

IN THE

**United States Court of Appeals  
FOR THE ELEVENTH CIRCUIT**

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IRA KLEIMAN, as the Personal Representative  
of the ESTATE OF DAVID KLEIMAN,

*Plaintiff-Appellant,*  
W&K INFO DEFENSE RESEARCH, LLC,

*Plaintiff,*

—v.—

CRAIG WRIGHT,

*Defendant-Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

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**SUPPLEMENTAL APPENDIX  
VOLUME II OF XVII**

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1 MR. BRENNER: You store food and stuff like that?

2 PROSPECTIVE JUROR: Mostly food items, yes.

3 MR. BRENNER: And how was that business formed,  
4 meaning, is it a --

5 PROSPECTIVE JUROR: C corp.

6 MR. BRENNER: It's a C corp.

7 PROSPECTIVE JUROR: Yeah.

8 MR. BRENNER: Did you have more than one shareholder  
9 in that?

10 PROSPECTIVE JUROR: There were three of us.

11 MR. BRENNER: Okay. And how did you guys divide  
12 either profits or losses?

13 PROSPECTIVE JUROR: We had a 10 percent partner, we  
14 had a 45 percent, and a 45 percent, and everything was split  
15 that way.

16 MR. BRENNER: And how was that -- how was that  
17 accomplished, meaning that split?

18 PROSPECTIVE JUROR: Because that's how we purchased  
19 it. We each put in that much into the purchase of the --

20 MR. BRENNER: Okay. Did you have a written document  
21 that said: "I get" -- I don't know if you are 45 or 10, but  
22 I'll just -- whatever it is, it's not important. But did you  
23 have an agreement that said: "I'm 45, Johnny's 45, and Sally's  
24 10," or it's just the way you guys invested and you just --

25 PROSPECTIVE JUROR: Yeah. It's just the way it was

1 invested and that's how we sold it.

2 MR. BRENNER: Okay. And so as far as you know -- and  
3 I'm sure you do know -- did everyone honor that agreement along  
4 the way?

5 PROSPECTIVE JUROR: Oh, yes.

6 MR. BRENNER: And when it came time to sell, did it  
7 ever dawn on you that either of the other two folks would not  
8 honor it?

9 PROSPECTIVE JUROR: No.

10 MR. BRENNER: And you yourself, I assume, were going  
11 to honor it too?

12 PROSPECTIVE JUROR: Yes. Everything was --

13 MR. BRENNER: And why did you guys sell?

14 PROSPECTIVE JUROR: I was getting to my retirement age  
15 and my business partner, one of them, was looking to have a  
16 more lucrative employment.

17 MR. BRENNER: Okay. And the two folks that you were  
18 in business with, do you still have a social or a relationship  
19 with them at all?

20 PROSPECTIVE JUROR: Oh, yes.

21 MR. BRENNER: Okay. Everyone parted ways and they're  
22 still friends?

23 PROSPECTIVE JUROR: Still friends.

24 MR. BRENNER: Okay. Your Honor, if I could just check  
25 my notes for 30 seconds.

1 THE COURT: Certainly.

2 MR. BRENNER: Thank you.

3 (Pause in proceedings.)

4 THE COURT: Mr. Brenner?

5 MR. BRENNER: Yes.

6 THE COURT: Anything further, sir?

7 MR. BRENNER: Yes. One group question and then I'll  
8 be done, Your Honor.

9 THE COURT: All right.

10 MR. BRENNER: Thank you.

11 So you just heard the discussion with a few folks  
12 about partnership agreements and written.

13 Is there anyone here who says: "I don't care if I --  
14 I know -- I believe that in order for there to be a  
15 partnership, there must be a written agreement"?

16 Anyone on the right side?

17 Okay. Thank you. That's just -- for the record,  
18 that's Juror Number 10.

19 And you have that belief coming in and that's  
20 something that would guide you in this case, correct?

21 PROSPECTIVE JUROR: Yes.

22 MR. BRENNER: And that's just something you believe  
23 based on your own experience, correct?

24 PROSPECTIVE JUROR: On a personal note, I wouldn't  
25 consider a partnership without a written agreement. It doesn't

1 mean that I don't respect other people's partnerships, that  
2 they have trust.

3 MR. BRENNER: Oh, you believe others could have it.

4 PROSPECTIVE JUROR: Others could have it on a personal  
5 note --

6 MR. BRENNER: Got it. Thank you for the  
7 clarification.

8 Anyone on the left side of the room, the left side of  
9 the back part of the room? Does anyone here think that in  
10 order for there to be a partnership you have to have a written  
11 agreement or you could just have one because people trust each  
12 other? Does anyone think you need a written agreement in order  
13 for there to be a partnership?

14 Nobody? Thank you.

15 And in the jury box, same question: Is there anyone  
16 here that thinks: "Well, just based on my experience and my  
17 beliefs, in order for there to be a partnership, you have to  
18 have a written agreement"? Does anyone believe that?

19 Okay. So we have -- thank you. I'm just going to  
20 note for the record. We have Mr. Sampson. Thank you, sir.

21 Ms. McCrimmon, we've talked a lot.

22 And Mr. Escobedo, thank you, sir. I appreciate that.

23 Anyone else? Anyone else believe that?

24 Oh, I'm sorry. We have one more. Yes. Thank you.

25 Ms. Coffie? Yes.

1 PROSPECTIVE JUROR: Yes. I feel like it should be a  
2 written agreement in whatever you decide. Me, personally, I  
3 feel like I would need things being agreed with an attorney --

4 MR. BRENNER: Okay.

5 PROSPECTIVE JUROR: -- that I have gone through.

6 MR. BRENNER: And that's a belief you come into this  
7 courtroom with and you feel strongly about?

8 PROSPECTIVE JUROR: Yes.

9 MR. BRENNER: Okay. Thank you.

10 THE COURT: All right. Thank You, Mr. Brenner.

11 On behalf of the Defendant.

12 MR. RIVERO: Thank you, Your Honor, counsel, Ladies  
13 and Gentlemen of the Jury.

14 Good morning.

15 As long and as complicated as this trial may be, it  
16 boils down to one simple question: Was there a business  
17 partnership between Dr. Craig Wright, sitting there, and David  
18 Kleiman to invent and mine Bitcoin?

19 Now, ladies and Gentlemen, just by way of  
20 reintroduction, my name is Andres Rivero. I'll be trying this  
21 case on behalf of Dr. Wright with Amanda McGovern and Jorge  
22 Mestre.

23 And you'll notice that I'm the third one to go. So I  
24 know that you have already heard a lot of questions. I know  
25 you've already been put on the spot a bunch, and I'm sorry,

1 I've got a bunch more. So I hope you will indulge me and give  
2 me a chance to -- because I want to make sure, and I echo what  
3 Mr. Brenner has said, and of course Judge Bloom has told you --

4 (Court reporter interruption.)

5 MR. RIVERO: Oh, I'm sorry. Sorry about that. I'll  
6 put this on.

7 Is that better, ma'am?

8 COURT REPORTER: Much better.

9 MR. RIVERO: Thank you so much.

10 Usually, I don't have a problem being heard, but I'm  
11 glad to do that.

12 So Ladies and Gentlemen, before I get to that, though,  
13 I just want to echo what Mr. Brenner said. It is really  
14 important that we get a fair and impartial jury. I know that  
15 all the lawyers here believe very strongly in our system. It's  
16 been described as a flawed system, but better than others. And  
17 I share that belief and I believe the lawyers here do, and we  
18 couldn't do what we do without you-all and without doing this  
19 voir dire process, which you have already been told is to speak  
20 the truth.

21 So I ask you, just like Mr. Brenner did, just to let  
22 me know -- there's one thing I want to talk to you about, is a  
23 lot of folks aren't so comfortable either sharing stuff in  
24 public or speaking in public. I'm sure you-all know that some  
25 people are afraid of public speaking. And I think all of us,

1 though, have just gone through two years where we were somewhat  
2 isolated. We're all wearing masks, except for me and Judge  
3 Bloom, because she's the Judge and because she's speaking. So  
4 I think all of us understand that our social interactions  
5 haven't been the same during the time period. So if anything  
6 I'm asking you is putting you on the spot or making you feel  
7 uncomfortable, please let me know. That's the last thing I  
8 want to do. So please, if you would.

9 So with that, I want to turn to the core issues in the  
10 case. And by the way, Ladies and Gentlemen, I'm going to be  
11 turning one way or another. So if I'm talking to you-all, I  
12 hope Mr. Sampson, who's far in the back corner, can hear me.

13 Thank you, sir.

14 And if I'm talking to you-all, I hope Ms. -- I think  
15 it's Ms. Bustamante, back in the farthest corner, can hear me.

16 All right. Great.

17 So please let me know if you can't hear me.

18 Let me go back. And I know some of you have already  
19 raised this, but I just want to make sure I've got it down.  
20 And I think I know who has been involved in a business  
21 relationship, but let me ask you by a show of hands, if you  
22 would -- I know Ms. Bruguez, and as well as you, sir, next to  
23 Ms. Bruguez, who -- I'm sorry. I don't remember all your names  
24 right away -- but Mr. Weber, I know you have been in business,  
25 Ms. Rozansky. But can you by a show of hands -- if you have

1 been in a business relationship, can you raise your hands?

2 Ms. Rozansky, Ms. Bruguez, Mr. Weber, Mr. Moder -- am  
3 I pronouncing that right, sir? Thank you.

4 Anybody else?

5 Okay. Now, do any of you have -- other than those who  
6 just raised your hands, any of you have close friends or  
7 relatives who are in business relationships with other folks?  
8 Husbands? Spouses?

9 Oh. Okay, Mr. Escobedo. You -- and I'm sorry, ma'am,  
10 I don't have your name at the very tip of my tongue. Ms. Fons?

11 Yeah.

12 Mr. Garcia also. Thank you, sir.

13 Anybody else?

14 Okay. Let me talk to the folks -- I'm going to come  
15 back to you-all definitely who have already spoken about this,  
16 but Ms. Fons, let me start with you.

17 Who is it -- if you don't mind me asking, who is it  
18 that you're close to who has a business relationship with  
19 somebody?

20 PROSPECTIVE JUROR: My husband's an attorney.

21 MR. RIVERO: Okay. Is he on his own or is he in a law  
22 firm?

23 PROSPECTIVE JUROR: In a law firm with a partner.

24 MR. RIVERO: With one partner?

25 PROSPECTIVE JUROR: Uh-huh.

1                   MR. RIVERO: And how long -- if you know, how long has  
2 he been with that law partner?

3                   PROSPECTIVE JUROR: I'd say eight years.

4                   MR. RIVERO: Eight years. Okay.

5                   And I'm going to stay with you just because of the  
6 question of the microphone, not ignoring Mr. Escobedo.

7                   Ma'am, he's been in the firm for eight years. Does he  
8 talk with you about his business?

9                   PROSPECTIVE JUROR: Yeah.

10                  MR. RIVERO: Is it sometimes more than you want to  
11 hear?

12                  PROSPECTIVE JUROR: No. I mean, we have been together  
13 since we were 18. So I feel like I went to law school with  
14 him.

15                  MR. RIVERO: All right. So you know the name of his  
16 partner, right?

17                  PROSPECTIVE JUROR: Yes.

18                  MR. RIVERO: Okay. And I assume that you know  
19 something about his business arrangements?

20                  PROSPECTIVE JUROR: Uh-huh.

21                  MR. RIVERO: Do you know, does he have an agreement  
22 with his partner about how they share expenses?

23                  PROSPECTIVE JUROR: They do verbally. They don't have  
24 like an actual contract in place.

25                  MR. RIVERO: But they have some kind of agreement

1 about how to pay for things?

2 PROSPECTIVE JUROR: Yes.

3 MR. RIVERO: Without asking you -- I don't want to ask  
4 the specifics, that wouldn't be right, but is it like a  
5 percentage basis?

6 PROSPECTIVE JUROR: My husband does more civil. And  
7 he does criminal, his partner. So it's driven by criminal and  
8 civil.

9 MR. RIVERO: Let me just -- so how they split the  
10 profits or the revenue, how they split -- again, not the exact  
11 numbers, but is it like by percentage or by if the criminal  
12 cases come in the partner gets it?

13 PROSPECTIVE JUROR: Based on the amount of revenue  
14 that each -- that each part brings in.

15 MR. RIVERO: Okay.

16 PROSPECTIVE JUROR: So they put part of it into the  
17 firm and then whatever is left over they split based on who  
18 brought in the business. They also have associates under them.

19 MR. RIVERO: But they have a clear understanding of --

20 PROSPECTIVE JUROR: Yeah.

21 MR. RIVERO: -- who gets what, right?

22 PROSPECTIVE JUROR: Correct.

23 MR. RIVERO: Does it work the same way every year or  
24 have they changed?

25 PROSPECTIVE JUROR: It's the same way every year.

1                   MR. RIVERO: Okay. And do they file tax returns for  
2 the business?

3                   PROSPECTIVE JUROR: They do.

4                   MR. RIVERO: Okay. Do you know if they have a  
5 bookkeeper?

6                   PROSPECTIVE JUROR: They do.

7                   MR. RIVERO: All right. And it's gone fine for eight  
8 years?

9                   PROSPECTIVE JUROR: Yes.

10                  MR. RIVERO: Which is great.

11                  PROSPECTIVE JUROR: Yes.

12                  MR. RIVERO: Thank you, ma'am.

13                  Let me come back to you, but let me just --  
14 Mr. Escobedo, I think you referred to somebody that you know  
15 having a business.

16                  PROSPECTIVE JUROR: Yes. I had a cousin that was -- I  
17 have a cousin that was in business. And he had partners and he  
18 was the guy that produced the music and write the songs, but he  
19 was not so much in the business and the partners took him to  
20 the cleaners.

21                  MR. RIVERO: Okay. So your cousin was the creative  
22 person.

23                  PROSPECTIVE JUROR: The creative person, but he's not  
24 a businessman. I always keep telling him: "Don't get into  
25 business with anybody because you're not a businessman. Just

1 look for a lawyer first and then write the paperwork."

2 MR. RIVERO: Was it more than one person?

3 PROSPECTIVE JUROR: There were three partners.

4 MR. RIVERO: Three partners?

5 PROSPECTIVE JUROR: Yeah. He and two others.

6 MR. RIVERO: The other people were the business types.

7 PROSPECTIVE JUROR: Yeah. They were the money guy and  
8 the guy that handled the promotions. And when everything fell  
9 apart, my cousin stayed holding the bag with no profits.

10 MR. RIVERO: Let me ask you a question: Do you know,  
11 did they make a written agreement?

12 PROSPECTIVE JUROR: That was the problem. There was  
13 not a specific written agreement. And the other guys were  
14 doing things that they shouldn't be doing and my cousin was the  
15 one that was blamed for it.

16 MR. RIVERO: Okay. So has he recovered from that,  
17 Mr. Escobedo?

18 PROSPECTIVE JUROR: Relative, not like he should be,  
19 but he's living, still, life.

20 MR. RIVERO: Let me ask you a question: He's the  
21 creative person. Did he keep the rights to his songs?

22 PROSPECTIVE JUROR: Yeah, the rights to the songs was  
23 all his because that was all under his name. That was the only  
24 thing he was able to keep.

25 MR. RIVERO: But he had in some way registered that he

1 was the songwriter and --

2 PROSPECTIVE JUROR: Yes. Correct. And the producer  
3 of the songs.

4 MR. RIVERO: I think, Mr. Garcia, you had raised your  
5 hand as well.

6 PROSPECTIVE JUROR: Yeah.

7 MR. RIVERO: Who is it, Mr. Garcia?

8 PROSPECTIVE JUROR: My brother have a partnership with  
9 two friend of him.

10 MR. RIVERO: And what kind of partnership do they  
11 have?

12 PROSPECTIVE JUROR: To be honest with you, I'm not  
13 hundred percent sure. But we have lunch last Saturday, and he  
14 bring to me the issue.

15 MR. RIVERO: Oh, there was an issue. He had an issue?

16 PROSPECTIVE JUROR: Yeah. Two of them are in the same  
17 boat, but the third person, no.

18 MR. RIVERO: When you say: "They're in the same  
19 boat," could you explain that to me? They have some  
20 disagreement, is what I'm understanding.

21 PROSPECTIVE JUROR: Of course, yeah.

22 MR. RIVERO: Did they have a written agreement?

23 PROSPECTIVE JUROR: I believe, yes.

24 MR. RIVERO: You believe they do --

25 PROSPECTIVE JUROR: Everything, yeah.

1                   MR. RIVERO: But he worried that it might become some  
2 separation between them, some difference?

3                   PROSPECTIVE JUROR: I tried to understand him, but I  
4 believe, yes. He don't give me a lot of details.

5                   MR. RIVERO: He's mentioned to you that he has  
6 partners, right?

7                   PROSPECTIVE JUROR: Yes.

8                   MR. RIVERO: Okay. And do you know what kind of  
9 business your brother's in?

10                  PROSPECTIVE JUROR: It's a pharmaceutical.

11                  MR. RIVERO: So he told you about it?

12                  PROSPECTIVE JUROR: Oh, yeah.

13                  MR. RIVERO: Has he told you the partners' names?

14                  PROSPECTIVE JUROR: Huh?

15                  MR. RIVERO: Has he told you the partners' names?

16                  PROSPECTIVE JUROR: Yes. I know the guys.

17                  MR. RIVERO: Thank you, Mr. Garcia.

18                  And I want to go back to Ms. Fons for a moment. And,  
19 I'm sorry, Mr. Marshal.

20                  Ms. Fons, you did tell me that you know your husband's  
21 law partner's name, I assume, right?

22                  PROSPECTIVE JUROR: Yes.

23                  MR. RIVERO: And you know they are in the law  
24 business, right?

25                  PROSPECTIVE JUROR: Yeah. We're actually really good

1 friends.

2 MR. RIVERO: Okay. And that's fine.

3 And, Mr. Escobedo, do you know -- as to your cousin,  
4 do you know the other partners' names?

5 PROSPECTIVE JUROR: I knew them, but I was never  
6 involved with them. I knew them personally. You know, we  
7 party together and --

8 MR. RIVERO: You partied together.

9 Even though you didn't know too much about your  
10 cousin's business, you had actually -- you knew who they were  
11 and you knew that they were in the music business?

12 PROSPECTIVE JUROR: Yes. Yes.

13 MR. RIVERO: Okay.

14 Now, Ms. Rozansky, I know you already spoke to  
15 Mr. Brenner about having had two different businesses. And you  
16 spoke about some of what it was, the platform relating to food  
17 and beverage and the rest.

18 You were asked a question about written agreements.  
19 What I understand is it's your preference when you're in  
20 business to have a written agreement; is that right?

21 PROSPECTIVE JUROR: Yeah. It's my personal  
22 preference.

23 MR. RIVERO: If the Judge instructed you that in our  
24 law it's permissible to have an oral agreement, could you  
25 follow that instruction?

1 PROSPECTIVE JUROR: Yes.

2 MR. RIVERO: And Ms. Rozansky, do you believe it's  
3 important to have a written agreement in order so that things  
4 are clear? Is that why you do -- why do you want a written  
5 agreement?

6 PROSPECTIVE JUROR: So that things are clear and so  
7 that I feel protected and --

8 MR. RIVERO: And you have had two different businesses  
9 with partners. Can I ask you: Did you work out with those  
10 partners who would have what responsibilities in the business?

11 PROSPECTIVE JUROR: Yes. So one of the businesses was  
12 with a partner and the other is an S corp, which is just me and  
13 contractors.

14 MR. RIVERO: Got it. Got it.

15 PROSPECTIVE JUROR: So yes, it was clear what rules --  
16 you know, our rules were defined. What was not clear was the  
17 split or the buyout, or how that was going to work monetarily.

18 MR. RIVERO: Did you have an agreement about  
19 distribution of profit while the business was going?

20 PROSPECTIVE JUROR: It was 50/50.

21 MR. RIVERO: And in your case, that was written down?

22 PROSPECTIVE JUROR: Yes.

23 MR. RIVERO: And did you also have an agreement --  
24 well, did your companies do things like keep books?

25 PROSPECTIVE JUROR: Yes.

1 MR. RIVERO: And file tax returns?

2 PROSPECTIVE JUROR: Yes.

3 MR. RIVERO: Did you have an accountant who was  
4 involved?

5 PROSPECTIVE JUROR: Yes.

6 MR. RIVERO: All right. Okay.

7 And let me, Ms. Rozansky, ask over with Ms. Bruguez --  
8 I know you told us about the cleaning company. And  
9 Ms. Bruguez, I know it's with a friend of your mom's, right?

10 PROSPECTIVE JUROR: Yes.

11 MR. RIVERO: So there's a personal relationship,  
12 right?

13 PROSPECTIVE JUROR: Yes.

14 MR. RIVERO: Did you-all make an agreement in any  
15 event about who has which job in the company, who has to do  
16 what?

17 PROSPECTIVE JUROR: Yes. So basically, she takes care  
18 of everything that has to do with the accounting, ADP, paying  
19 the employees, and we take care of anything where it comes --  
20 from purchasing the products, taking them into the hotels,  
21 making sure that everything is running smoothly.

22 MR. RIVERO: Okay. And so there is an accountant who  
23 helps?

24 PROSPECTIVE JUROR: Yes.

25 MR. RIVERO: Okay. And by the way, do you and your

1 business partner -- do you mind my asking her age?

2 PROSPECTIVE JUROR: She's, I think -- I hope she can't  
3 hear this, though. She's probably in her 60s, late 50s, early  
4 60s.

5 MR. RIVERO: How do you-all communicate about your  
6 business?

7 PROSPECTIVE JUROR: We do it in person.

8 MR. RIVERO: Everything is in person?

9 PROSPECTIVE JUROR: Mainly, yeah.

10 MR. RIVERO: Do you all text at all or email?

11 PROSPECTIVE JUROR: Email sometimes, but it's mainly  
12 just in person.

13 MR. RIVERO: Okay. All right. Thank you. Thank you.  
14 I really appreciate it. Thank you.

15 Mr. Weber, when you had the cold storage, as I  
16 understand, it was with three total, right?

17 PROSPECTIVE JUROR: Yes.

18 MR. RIVERO: So you-all were shareholders in a C  
19 corporation, if I understood what you said, right?

20 PROSPECTIVE JUROR: Yes.

21 MR. RIVERO: And you are an accountant, also; is that  
22 right?

23 PROSPECTIVE JUROR: Yeah. That's right.

24 MR. RIVERO: So a C corporation's one kind of  
25 corporation, right?

1 PROSPECTIVE JUROR: Yes.

2 MR. RIVERO: Now, did you-all have articles of  
3 incorporation?

4 PROSPECTIVE JUROR: Yes.

5 MR. RIVERO: And that's a writing, isn't it?

6 PROSPECTIVE JUROR: Yes.

7 MR. RIVERO: And did you have an operating agreement?

8 PROSPECTIVE JUROR: Not that I recall.

9 MR. RIVERO: Okay. I didn't understand for sure. I  
10 understood that one shareholder put in 45, another one put in  
11 45, and another one put in 10 at the beginning, right?

12 PROSPECTIVE JUROR: Yes.

13 MR. RIVERO: Okay. Was there a discussion about that,  
14 about how that was going to go?

15 PROSPECTIVE JUROR: When we purchased the business,  
16 there was a price for the business. And everybody decided how  
17 much they were going to put in and that's how it came out.

18 MR. RIVERO: So if you needed to come up with a  
19 hundred dollars, one person said: "I can put up 45," the other  
20 one said: "I'll put up 45," and the other one said: "10  
21 sounds good to me"?

22 PROSPECTIVE JUROR: Exactly.

23 MR. RIVERO: Right. But that was discussed, I assume,  
24 right?

25 PROSPECTIVE JUROR: Yes.

1                   MR. RIVERO: Now, when you sold, you sold it on the  
2 same basis as you bought it?

3                   PROSPECTIVE JUROR: Yes.

4                   MR. RIVERO: Now, did you-all -- how long did you have  
5 the cold storage?

6                   PROSPECTIVE JUROR: Just about 10 years.

7                   MR. RIVERO: And was that your principal business at  
8 that time?

9                   PROSPECTIVE JUROR: Yes.

10                  MR. RIVERO: Okay. Did you maintain an office?

11                  PROSPECTIVE JUROR: Yes.

12                  MR. RIVERO: And was anything put down in writing  
13 about what you were doing?

14                  PROSPECTIVE JUROR: I don't recall exactly. But  
15 periodically you had distributions and the distributions were  
16 always 45, 45, 10.

17                  MR. RIVERO: So every year -- that was your agreement  
18 at the beginning?

19                  PROSPECTIVE JUROR: Yes.

20                  MR. RIVERO: And you had a course or a pattern of the  
21 way you did it, a course of conduct or a pattern of conduct,  
22 right?

23                  PROSPECTIVE JUROR: Yes. Exactly.

24                  MR. RIVERO: And you always did it that way so it  
25 would be reflected in the books?

1 PROSPECTIVE JUROR: Always, yes.

2 MR. RIVERO: So even if you didn't have it written  
3 down specifically that the distributions were going to be based  
4 on your original investment, you were doing that along the way,  
5 right?

6 PROSPECTIVE JUROR: Yes.

7 MR. RIVERO: Now, Mr. Weber, did you discuss your  
8 business with any of your close friends or family?

9 PROSPECTIVE JUROR: Oh, I'm sure we did, yeah.

10 MR. RIVERO: Did you ever mention that you had  
11 partners to anyone in your family or your friends?

12 PROSPECTIVE JUROR: It was pretty much well-known what  
13 we were doing.

14 MR. RIVERO: Yeah. I mean, I assume that you had  
15 talked about with your friends and family you had a cold  
16 storage business and people might have asked what that was,  
17 right?

18 PROSPECTIVE JUROR: Sure.

19 MR. RIVERO: Thank you, sir. I appreciate it.

20 Ms. Bruguez, if I can come back on that same question.  
21 Does your family know you have a cleaning business?

22 PROSPECTIVE JUROR: Yes.

23 MR. RIVERO: And do your friends know you have a  
24 cleaning business?

25 PROSPECTIVE JUROR: Some, yes.

1                   MR. RIVERO: So close ones, have you mentioned that  
2 you have this partner who's your mom's friend --

3                   PROSPECTIVE JUROR: Yeah.

4                   MR. RIVERO: -- who might be a certain age?

5                   Okay. Thank you, ma'am.

6                   And I'm going to go back to Ms. Rozansky on that last  
7 thing too.

8                   Ms. Rozansky, I think you wrote on your form that  
9 you're an entrepreneur. So you are really into business. I  
10 assume that you are not shy about telling your family or your  
11 friends that you do these kinds of businesses, right?

12                  PROSPECTIVE JUROR: Right.

13                  MR. RIVERO: Okay. And did you mention your partner's  
14 name at any time to anybody?

15                  PROSPECTIVE JUROR: Yeah.

16                  MR. RIVERO: Would it be natural to do that?

17                  PROSPECTIVE JUROR: Yes.

18                  MR. RIVERO: Okay. And I want to go to -- thank you,  
19 Ms. Rozansky. I appreciate it. I want to go to a slightly  
20 different subject.

21                  Ms. Coffie, you were -- when there was a question  
22 about a written agreement, I understood you to say that you  
23 personally would want to have a written agreement, right?

24                  PROSPECTIVE JUROR: Yes.

25                  MR. RIVERO: But again, if the Judge told you that our

1 law is -- if the Judge told you that our law is that you can  
2 have a verbal agreement, would you be able to follow what she  
3 tells you the law is?

4 PROSPECTIVE JUROR: Yes.

5 MR. RIVERO: Okay. So -- but your preference is to  
6 have -- if you were in such a situation, your preference would  
7 be to have it in writing. And why is that, ma'am?

8 PROSPECTIVE JUROR: Because me, personally, I would  
9 like to have a paper trail. Just in case something may happen,  
10 I would always like to have something. That paper makes a  
11 difference. So ...

12 MR. RIVERO: Would that be to make sure that  
13 everybody's clear on what --

14 PROSPECTIVE JUROR: On what the decision is, yes.

15 MR. RIVERO: -- everybody's clear on what the  
16 decisions were; is that --

17 PROSPECTIVE JUROR: Yes.

18 MR. RIVERO: Thank you, ma'am.

19 You know, while I'm talking to you, Ms. Coffie, I'm  
20 going to jump out of this topic for a minute. I'll come back  
21 to some of the stuff, but you mentioned something that I want  
22 to ask you about.

23 Because in the case, Ladies and Gentlemen, there will  
24 be some evidence that Dr. Wright has been -- has been diagnosed  
25 as being on the autism spectrum.

1           And Ms. Coffie, I understood -- and, Ms. Coffie, if  
2 there's anything I'm asking you that is too sensitive or  
3 embarrassing, you'll let me know right away, right?

4           PROSPECTIVE JUROR: Correct.

5           MR. RIVERO: Okay. I understand that you have a  
6 17-year-old boy, if I got it -- you have two boys?

7           PROSPECTIVE JUROR: I have two kids.

8           MR. RIVERO: I have two boys. Good for you.

9           So -- but one -- your 17-year-old has autism and you  
10 need to get him to a certain place by a certain hour of the  
11 day; is that right?

12          PROSPECTIVE JUROR: Yes. He's in school.

13          MR. RIVERO: He's in school. Do you mind if I ask his  
14 name?

15          PROSPECTIVE JUROR: Darien.

16          MR. RIVERO: Darien?

17          PROSPECTIVE JUROR: Yes.

18          MR. RIVERO: How is Darien doing these days? How is  
19 his social interaction now at 17?

20          PROSPECTIVE JUROR: He has behavior problems. He has  
21 a lot of issues. He has issues, so it's difficult.

22          MR. RIVERO: Yes, ma'am. Yes, ma'am.

23          Did you -- has Darien gotten professional help?

24          PROSPECTIVE JUROR: Oh, he has gotten some help, but  
25 it was -- it was hard. Me being a teacher, you know, a lot of

1 things I did not know. So a lot of things was not presented to  
2 me at certain times, but it was hard for me to get --

3 MR. RIVERO: Yeah. I know it's hard. And again,  
4 please stop me if I'm getting too personal.

5 When Darien was a little boy, did he have behaviors  
6 like acting out and that kind of thing?

7 PROSPECTIVE JUROR: He didn't start till about nine  
8 years old.

9 MR. RIVERO: Okay. So he didn't have -- you didn't  
10 observe these behaviors until about nine?

11 PROSPECTIVE JUROR: Yes.

12 MR. RIVERO: And when you did observe the behaviors,  
13 do you mind sharing with us what the behaviors were that you  
14 started to observe?

15 PROSPECTIVE JUROR: More yelling. He was physical.  
16 He would hit -- you know, get very aggressive, throw things.  
17 Then when time went on, once he got older, it got worse.

18 MR. RIVERO: Does Darien maintain any friendships?

19 PROSPECTIVE JUROR: He's friendly. Yes. He's  
20 friendly.

21 MR. RIVERO: I'm sorry, but I'm going to press you on  
22 that one.

23 I understand he's friendly, but does he have friends  
24 who he has friendships like --

25 PROSPECTIVE JUROR: No. No.

1                   MR. RIVERO: Okay. And has that professional help --  
2 did that help?

3                   PROSPECTIVE JUROR: To a certain extent. Basically, I  
4 had to really work with my child in order to get the help that  
5 I really need.

6                   MR. RIVERO: Good luck to you and to Darien.

7                   PROSPECTIVE JUROR: Thank you.

8                   MR. RIVERO: I appreciate your sharing with us.

9                   Ladies and Gentlemen, I'm going to ask on the same  
10 basis -- and, again, please let me know. I don't want to  
11 embarrass or put anybody on the spot -- does anybody have any  
12 close family or friends who have -- either have autism or are  
13 on the autism spectrum or --

14                  I have -- I see a couple now. Okay. I see a few.

15                  So let me just start, if I can -- Ms. Yera? Yeah.

16                  Ms. Yera, who is it in your life who has some kind of  
17 diagnosis in this area?

18                  PROSPECTIVE JUROR: Hello.

19                  MR. RIVERO: Hi.

20                  PROSPECTIVE JUROR: My grandson is autistic  
21 non-verbal.

22                  MR. RIVERO: How old is your grandson?

23                  PROSPECTIVE JUROR: He is six.

24                  MR. RIVERO: Non-verbal?

25                  PROSPECTIVE JUROR: Non-verbal.

1 MR. RIVERO: And Ms. Yera, how's he doing right now?

2 Is he getting help right now?

3 PROSPECTIVE JUROR: He goes to a school where there is  
4 a special program. They live in Key West, so they don't really  
5 have a lot of great programs, but he is going to school and in  
6 a special program.

7 MR. RIVERO: And is he starting to develop some verbal  
8 ability?

9 PROSPECTIVE JUROR: Not really. He'll like make  
10 sounds, but not put any words together.

11 MR. RIVERO: Sounds like a hard situation.

12 How does that affect his making friends with the other  
13 boys and girls?

14 PROSPECTIVE JUROR: It's difficult. It's very  
15 difficult.

16 MR. RIVERO: Ms. Yera, I'm really looking forward to  
17 being a grandparent and I feel for you about your -- about  
18 your -- is it a grandson?

19 PROSPECTIVE JUROR: It's a grandson. I have three. I  
20 have two that are very --

21 MR. RIVERO: Well, I'm jealous that you have  
22 grandchildren. But good luck with your boy.

23 Mr. Moder. Mr. Moder, thank you.

24 Mr. Moder, same question, sir. Again, I don't want to  
25 put you on the spot, but who is it in your life that's got some

1 kind of autism diagnosis?

2 PROSPECTIVE JUROR: Well, it's my understanding that  
3 Asperger's is a -- is on the spectrum.

4 MR. RIVERO: Yes, sir. Yes, sir.

5 PROSPECTIVE JUROR: My daughter, she's 25 now, and  
6 she's highly functional. She got her master's degree in  
7 architecture and just started a job today in Boston.

8 MR. RIVERO: Mr. Moder, so you just said something  
9 that might be helpful for some of these other parents,  
10 grandparents. There are distinctions. There's high  
11 functioning and lower functioning. And also people can go from  
12 low functioning to higher functioning.

13 You know all that, right?

14 PROSPECTIVE JUROR: Yes.

15 MR. RIVERO: So your daughter is in the  
16 higher-functioning category?

17 PROSPECTIVE JUROR: Yes.

18 MR. RIVERO: How did the Asperger's -- pardon me --  
19 how did it display itself when she was a child?

20 PROSPECTIVE JUROR: Well, she had a combination of a  
21 central auditory processing disorder. So she had difficulty  
22 processing words. And loud noises bothered her. She had  
23 sensory deprivation.

24 But fortunately, my wife got on top of it very  
25 quickly. And through a lot of help and, you know, making the

1 public school systems do what they're supposed to, we kept her  
2 in the mainstream and got her help and she's very smart.

3 MR. RIVERO: Would you agree with me that  
4 professionals have really developed a lot in this area and they  
5 know a lot more and can help nowadays? Isn't that right?

6 PROSPECTIVE JUROR: Yeah. I mean, they can definitely  
7 help. And the earlier you get the intervention, the farther  
8 they can -- or much more they can benefit from it.

9 MR. RIVERO: I don't want to make assumptions, but  
10 your daughter, does she have certain areas that she really like  
11 focuses in on?

12 Yeah.

13 PROSPECTIVE JUROR: Architecture.

14 MR. RIVERO: Architecture.

15 PROSPECTIVE JUROR: And socially, she's very low  
16 functioning.

17 MR. RIVERO: Okay.

18 PROSPECTIVE JUROR: She prefers like -- you know, if  
19 it was up to her, she'd just spend the majority of the time by  
20 herself. But she has friends and she can interact. She just  
21 likes to -- prefers to be on her own. And that's --  
22 architecture is a good field for that.

23 MR. RIVERO: And is she really outstanding in her  
24 architectural area?

25 PROSPECTIVE JUROR: Very. Graduated with honors.

1 So ...

2 MR. RIVERO: Well, congratulations that she's moved  
3 along that way. And thank you so much for sharing. I really  
4 appreciate it.

5 Ms. McCrimmon, who do you know? Who is in your  
6 life --

7 PROSPECTIVE JUROR: Well, I'm a licensed speech  
8 language pathologist assistant. So I've worked with kids on  
9 the spectrum all my life. I also personally have a couple of  
10 friends that are on the spectrum. A very close friend from  
11 high school, he's incredible. He an ABA and extremely  
12 successful. And I believe that people on the spectrum actually  
13 go on -- especially the tech giants, go on to be more  
14 successful than most of us.

15 MR. RIVERO: And when you say that, is it -- and you  
16 have had a little bit of training -- would you agree it's that  
17 really specific focus in on something that maybe the rest of us  
18 can't do?

19 PROSPECTIVE JUROR: Hyperfocus. Absolutely. I tend  
20 to hyperfocus on different areas and I'm not diagnosed. So  
21 it's definitely a wave. But I could tell you that I find it  
22 very rewarding working with humans on the spectrum and being  
23 friends with them.

24 I had one friend who was very interested in plane  
25 spotting. And his mother would get very frustrated with that.

1 And I told him that there was nothing wrong with that. We can  
2 go watch planes, get some food. I was a little bored  
3 sometimes, but I appreciated the friendship because I knew he  
4 was very straightforward and he was never going to backstab me.

5 MR. RIVERO: And Ms. McCrimmon, one thing you said  
6 there caught my ear is if a person who has these sorts of  
7 conditions has that hyperfocus, they don't necessarily have an  
8 interest in other stuff, right?

9 PROSPECTIVE JUROR: They could. Like he'll go to  
10 Comic-Con with me and we'll talk about Star Trek and he will  
11 have -- he'll be multi-faceted.

12 But there are certain areas -- like I have a friend in  
13 the tech world that he may be on the spectrum, I'm not sure,  
14 but he can code for hours and that's why I raised my hand and I  
15 let you guys know I know what coding is. I haven't coded  
16 personally myself. But I'm aware that it's the language of  
17 computers, just like legalese is the language of lawyers. So  
18 yes.

19 Sorry. I lost my train of thought.

20 MR. RIVERO: Thank you very much, Ms. McCrimmon.

21 PROSPECTIVE JUROR: Have a great day.

22 MR. RIVERO: Ladies and Gentlemen, I want to address a  
23 different subject entirely, and I do have things -- I'm not  
24 sure I'll cover everything. But you're going to hear that  
25 David Kleiman -- it's already been mentioned. I know it was

1 important for Mr. Cassidy -- and a number of you are veterans.  
2 Mr. Kleiman was a Veteran. He was also a very close friend of  
3 Mr. Wright.

4 You heard in the list we're going to bring a couple of  
5 his close friends, so you'll hear about Mr. Kleiman. We're  
6 going to bring his lawyer, we're going to bring his  
7 accountant -- our side is.

8 My point is you're going to learn that Mr. Kleiman, he  
9 was soldier of the year. He was a police officer. He had a  
10 terrible motorcycle accident; he was disabled. He was very  
11 skilled in computer forensics and he spent the last couple of  
12 years of his life in the VA hospital and he passed and it was a  
13 pretty sad ending. You're going to hear all that.

14 And I've just been asking you about autism, which is  
15 also a subject that can evoke sympathetic reactions, you know,  
16 empathy, I think, among many people. But I need to talk with  
17 you-all about this. At the end of the day when this case gets  
18 decided, we're all human beings. We all have feelings about  
19 things.

20 But does everybody here understand that the Judge is  
21 going to tell you that you-all are the judges of the facts?

22 Let me first ask: Is there anybody that doesn't  
23 understand that? Your role in our system is to decide what  
24 happened. And I'm sure you've noticed that -- if you haven't,  
25 you're going to notice it. Every time you walk in here, all of

1 us are going to out of respect stand up for you just like we  
2 stand up for the Judge.

3 So you're really like the judges. But that means you  
4 have this particular responsibility, which is you have got to  
5 decide on the evidence, as Judge Bloom decides -- you know, it  
6 comes before you. And then you've got to apply the law to  
7 those facts.

8 And Ladies and Gentlemen, emotion is -- feeling is not  
9 at the end of the day what it's about. Can I ask everybody  
10 over in this section: Is there anybody who's going to have a  
11 problem when we come to the end and we're talking about what  
12 the facts and the evidence have shown in this case and what the  
13 law is -- is there anybody who's going to have a problem to do  
14 their job, to apply that law that the Judge is going to tell  
15 you about to the facts of the case?

16 All right. Thank you.

17 And I'm going to do that with you-all too, this  
18 section. Anybody have a problem saying at the end: "You know,  
19 I may have a lot of sympathy over Mr. Kleiman's ending or may  
20 have empathy over Dr. Wright's autism, but I'm going to call  
21 this one on what the facts were that came before me"?

22 Can you-all commit to do that?

23 Thank you. Thank you.

24 And in the box, Ladies and Gentlemen, same thing. Can  
25 you-all commit to decide this not on sympathy for one side or

1 the other, but instead on what comes back in terms of evidence  
2 and law?

3 Thank you. Thanks very much.

4 Let me -- Your Honor, if I may have just one moment  
5 with my co-counsel?

6 THE COURT: Certainly.

7 (Pause in proceedings.)

8 MR. RIVERO: I have to remember we have hot mics so  
9 you may hear us when we're whispering.

10 Ladies and Gentlemen, let me go to a completely  
11 different subject.

12 How many of you at this point do not use computers at  
13 all? Is there anybody in this courtroom that doesn't use some  
14 kind of digital device? A phone? A tablet? A laptop?

15 Okay. We've all -- it's -- I'm from the paper  
16 generation, but I guess that's over with. So we're all on  
17 computers.

18 Has anybody here had the experience when one of your  
19 devices has updated, your cell phone -- this happens to me.  
20 When it updates, and sometimes that happens automatically, that  
21 you have lost information or lost functionality on your device.

22 Has that happened to anybody?

23 Okay. You don't have that experience.

24 Have any of you had the experience, those of you who  
25 work in offices or otherwise work with computers, of going from

1 one computer to another and finding that there were changes to  
2 information or a document because you're working with a  
3 different computer? Anybody have that?

4 Ms. Fons, you had that experience? There are a bunch  
5 of people, so I'll ask. Ms. Fons, you've seen that?

6 PROSPECTIVE JUROR: (No verbal response.)

7 MR. RIVERO: Have you ever seen -- I've seen a pop-up  
8 screen sometimes, and I'm not that computer literate, that will  
9 say: "Your formatting may have changed" or something like  
10 that. Have you ever seen anything like that?

11 PROSPECTIVE JUROR: Yeah. I actually just got a new  
12 laptop for work. So everything was completely wiped out and I  
13 had to reformat everything to how I wanted it.

14 MR. RIVERO: Could you explain that? So you had --  
15 where was your information before?

16 PROSPECTIVE JUROR: On One Drive, but it didn't  
17 transfer correctly. So I held onto my Surface. I had to  
18 reupload everything and then upload it into the One Drive on  
19 the new laptop.

20 MR. RIVERO: Okay. So -- and you-all bear with me --  
21 but you had a Microsoft Surface?

22 PROSPECTIVE JUROR: Correct.

23 MR. RIVERO: And you kept your information there. But  
24 it was on One Drive, which is like a shared server thing,  
25 right? And it was supposed to transfer over automatically, but

1 it didn't. Am I getting the story?

2 PROSPECTIVE JUROR: Right.

3 MR. RIVERO: But you fortunately had kept the  
4 information on the Surface and you were able to recreate it?

5 PROSPECTIVE JUROR: That's correct.

6 MR. RIVERO: Okay. Thank you, ma'am.

7 There were other folks who raised their hands. I  
8 couldn't see everybody who was.

9 Mr. Moder.

10 PROSPECTIVE JUROR: Well, yeah, it's like, you know,  
11 when you get a new computer and it has a new operating system,  
12 you have to load all the different programs that you use on  
13 that computer. So that's basically why I raised my hand.

14 MR. RIVERO: Okay. So you've done that.

15 Ever have any issue that formats change or documents  
16 look different, information changes?

17 PROSPECTIVE JUROR: It can happen if you are not  
18 running the right programs. I mean, everybody -- you know,  
19 every five years you go through it and you get a new computer.  
20 You'd rather cut off your arm than to go through it, but you  
21 have to.

22 MR. RIVERO: I feel you, Mr. Moder.

23 Anybody else have this experience and think -- Yes.  
24 Yes, Mr. -- it's Raidel Lopez.

25 Yes, sir.

1 PROSPECTIVE JUROR: Yeah.

2 MR. RIVERO: Yes, sir. What was your experience,  
3 Mr. Lopez?

4 PROSPECTIVE JUROR: I was just going to say since I  
5 work as a network administrator and I -- actually, I take care  
6 of pretty much all the teachers and all the administration on  
7 the building. Sometimes when you do move on from one device to  
8 another one, some people do experience losses of files and  
9 stuff because it all depends on when you save it.

10 And sometimes I usually recommend to -- for the user  
11 to actually use a service like One Drive, which the district  
12 actually provides. But most people like to use their own USB  
13 drive. And sometimes they have a file that they load from the  
14 USB drive and they don't realize it, and the other one -- the  
15 One Drive doesn't share the same data on it and then they don't  
16 transfer as well.

17 MR. RIVERO: So this can happen accidentally; is that  
18 right?

19 PROSPECTIVE JUROR: Oh, yeah. Yeah.

20 MR. RIVERO: And it can happen -- it can happen  
21 automatically and -- just when you use one device versus the  
22 other?

23 PROSPECTIVE JUROR: Yeah. I mean, sometimes people  
24 don't realize it. Sometimes instead of actually loading the  
25 file from the One Drive, you load the one you that have in the

1       USB drive. And then when you take the jump drive out, and you  
2 go look for the old drive file, then you notice that it's not  
3 the same one because obviously you were loading from a  
4 different one.

5           And sometimes people don't realize it because -- I  
6 usually try to tell them just to keep one central way of  
7 actually backing up all the stuff. But I mean, it's just --  
8 it's different because it's hard for some people to just -- I  
9 mean, you try to teach them, but it just ...

10          MR. RIVERO: Thank you, Mr. Lopez.

11          PROSPECTIVE JUROR: You're welcome.

12          MR. RIVERO: Anybody else raise their hand? I just  
13 want to make sure I -- okay. Let me switch because I will --

14           Oh, Mr. Horne.

15          PROSPECTIVE JUROR: Yeah.

16          MR. RIVERO: Yeah. You've experienced this kind of  
17 thing, Mr. Horne?

18          PROSPECTIVE JUROR: Yeah.

19          MR. RIVERO: I know you are a little more tech savvy  
20 perhaps than I am.

21          PROSPECTIVE JUROR: Actually, it's not really tech. I  
22 have a client who had a bootleg copy of Adobe. And when you go  
23 from one computer to the next, you know, you may not have the  
24 same font or, you know, something like that. So it causes a  
25 glitch.

1                   MR. RIVERO: Yeah. Now, you just mentioned something  
2 that's interesting. You said: Because it's a different  
3 version -- and you said bootleg, but whatever -- it could  
4 change the font.

5                   PROSPECTIVE JUROR: Well, I'm saying you may be on one  
6 font on this computer, but it's not available -- you know, if  
7 you take -- like if you put it on a thumb drive, then go to  
8 another computer, that font may not be available.

9                   MR. RIVERO: And I'm saying this as a layperson, I'm  
10 not the computer person here, but sometimes when I've done  
11 this, Mr. Horne, sometimes it will be like the indentations all  
12 change. It doesn't look the same.

13                  PROSPECTIVE JUROR: Right. Yeah. That too, and it  
14 could be -- I don't even know the -- but in some sort of font  
15 where it's not even words, it's like Xs or boxes or whatever.

16                  MR. RIVERO: Right. Has anybody seen that where it  
17 just comes up with some really weird-looking symbols?

18                  Yeah.

19                  Okay. Thank you, Mr. Horne. I appreciate it.

20                  Let me keep moving. If I may ask, Your Honor, I  
21 believe I still have about 20 minutes. Is that --

22                  THE COURT: No. You have five minutes, sir.

23                  MR. RIVERO: Five minutes? Oh, that's -- I talked a  
24 lot, Judge.

25                  THE COURT: Yes, sir.

1 (Pause in proceedings.)

2 MR. RIVERO: Mr. Moder, when you talked about the  
3 mining, were you using an Applied -- try to get the right  
4 terminology. Do you know if you were using an Applied Specific  
5 Integrated Circuit, an ASIC machine?

6 PROSPECTIVE JUROR: I don't remember the type of  
7 machine. It was just a black box and it was set up to do  
8 specifically the mining. My neighbor would have been able to  
9 answer your question.

10 MR. RIVERO: And let me ask you: Did you ever hear  
11 the term "private key" in the course -- and "public key" in the  
12 course of this, to do with this mining?

13 PROSPECTIVE JUROR: I don't recall.

14 MR. RIVERO: Okay. Thank you, sir.

15 Has anybody here heard of a "private key" or a "public  
16 key" in relation to cryptocurrency?

17 Mr. Lopez, I see you shaking your head. You have  
18 heard of that?

19 PROSPECTIVE JUROR: (No verbal response.)

20 MR. RIVERO: Sir, do you understand -- what do you  
21 understand a "private key" to be?

22 PROSPECTIVE JUROR: I'm not really versed on it, but I  
23 have heard the term before. I mean, I believe the private key  
24 is the key that resides on one side of the server. And then a  
25 public key is just something that it uses to communicate back

1 and forth.

2 MR. RIVERO: Thank you, sir.

3 I'm going to ask Mr. Lemus.

4 Mr. Lemus, I know you're also a computer person, like  
5 Mr. Lopez, and that you have folks who are into this. Have you  
6 heard of a private key?

7 PROSPECTIVE JUROR: Yes. Yes.

8 MR. RIVERO: Okay. Is the private key something like  
9 a complicated PIN number?

10 PROSPECTIVE JUROR: Yeah. It's a digital signature.

11 MR. RIVERO: How do you know about that?

12 PROSPECTIVE JUROR: Well, because we use it. In the  
13 company, the company uses private keys -- for example, nowadays  
14 you can go and have your room key on your phone so you don't  
15 have to go and stop in the front desk and get your room key.  
16 You can go directly to your room, put your phone, and that will  
17 open the door for you.

18 So we send that via private key in the mobile app and  
19 that's how they communicate between those two devices, so yeah.

20 MR. RIVERO: And, sir, if a private key gets shared,  
21 it's not private anymore, right?

22 PROSPECTIVE JUROR: Correct.

23 MR. RIVERO: That would be like sharing your PIN  
24 number.

25 PROSPECTIVE JUROR: Correct.

1                   MR. RIVERO: And sir, have you ever heard the  
2 phrase -- well, I don't know because I think you have some  
3 folks who have something to do with cryptocurrencies. Have you  
4 ever heard the phrase "not your key, not your coin"?

5                   Have you ever heard anything like that?

6                   PROSPECTIVE JUROR: I never heard about that.

7                   MR. RIVERO: Does it make sense to you?

8                   PROSPECTIVE JUROR: "Not your key, not your coin," it  
9 makes sense, yeah. I mean, if it's not your digital signature,  
10 it shouldn't belong to you.

11                  MR. RIVERO: Got it. Let me -- Mr. Lemus, I'm sorry.  
12 I'm rushing now because I'm running out of time, which happens  
13 to me, but I'm going to ask just a couple of general questions.

14                  Social media. How many of you-all are on any kind of  
15 social media from Facebook on?

16                  Okay. I see a good number of hands, not absolutely  
17 everyone.

18                  But for you-all who are on social media, anybody --  
19 does everybody agree that people on social media tend to put  
20 their best foot forward? Any disagreement on that? Has  
21 anybody seen on social media where people send photographs  
22 where they have bad hair days or they don't look good? That's  
23 not the kind of stuff that people share on social media.

24                  Has anybody had an experience -- anybody made an  
25 online friend?

1 Any of you?

2 Ms. McCrimmon.

3 Anybody else?

4 Okay. And has anybody had the experience, whether  
5 online or in real regular life, of having a friend and then  
6 finding out something that you had no idea about about a  
7 friend? Has anybody had that experience?

8 Ms. McCrimmon, you're willing to say.

9 What was the experience? What did you learn?

10 PROSPECTIVE JUROR: My apologies. Actually, I was  
11 just scammed. I thought it was a friend and I thought I was  
12 going to be able to adopt a very adorable rabbit, and they were  
13 just trying to get my CashApp information.

14 MR. RIVERO: Ah. Okay. Sorry to hear about that.

15 Ladies and Gentlemen, is there anybody who disagrees  
16 that just because you know someone online doesn't mean that you  
17 know everything about them?

18 Is that a proposition that anybody has an issue about?

19 All right. I'm going to just at least touch a couple  
20 more topics before my time runs out.

21 THE COURT: Three more minutes.

22 MR. RIVERO: Thank you.

23 Wealth. You know, this -- I think someone  
24 mentioned -- and I'm not going to be able to put my hands on  
25 it -- that the value of these cryptocurrencies can be very

1 volatile and go way up and down.

2 Yeah. I thought it was you, Mr. Lopez.

3 Is there anybody here who would have a problem being  
4 fair to a person who was wealthy, whether it was on paper,  
5 whether it was in cryptocurrency, whether it was in gold?

6 Is there anybody here who would say: "I can't be  
7 impartial about that and I think the person who has more money  
8 should pay the person who has less money"?

9 Anybody have that idea?

10 Okay. And no one here thinks that something -- it  
11 would be fair to decide a case based on the relative wealth of  
12 the two sides.

13 No? Nobody thinks that?

14 One moment, Judge.

15 (Pause in proceedings.)

16 MR. RIVERO: Ladies and Gentlemen, I've covered a lot  
17 with you-all, and I really appreciate your listening to my  
18 questions and going through -- now it's been probably two and a  
19 half hours of questions.

20 But the critical thing that I want to ask you here as  
21 a last question before I sit down is: At the end of this case,  
22 whoever's going to argue for the Plaintiffs -- and I'll be  
23 doing the closing for Dr. Wright -- I'm going to ask you to  
24 remember the commitment you made at the beginning of this case  
25 in this voir dire.

1           Is there anybody here and now who just feels they  
2 could not be fair and impartial based on what you have heard of  
3 the allegations, based on any of these subjects we've talked  
4 about? And I'm just going to go -- because it is going to be  
5 really important at the end.

6           Is there anybody here in this section who feels like  
7 they won't be able to perform that duty as a juror that's so  
8 important?

9           Thank you.

10           How about in this group? Can you-all do your duty as  
11 a juror at the end to be fair and impartial based on what you  
12 have already heard so far?

13           All right. And in the box, same question for you  
14 Ladies and Gentlemen: Would you be able to do your job and  
15 fulfill your duties as an American citizen and as a juror?

16           Thank you. That's all I can ask. Thank you so much.

17           THE COURT: Thank you, Mr. Rivero.

18           Ladies and Gentlemen, after listening to the  
19 questioning, do any of you have any feelings towards one of the  
20 parties or the attorneys which might affect your ability to  
21 serve as a fair and impartial juror?

22           If so, please raise your hand.

23           Seeing no hands raised.

24           Is there anyone that's formed an opinion on the merits  
25 of the case?

1 If so, please raise your hand.

2 Seeing no hands raised.

3 It's been a long morning, Ladies and Gentlemen. We  
4 are going to take a recess for lunch.

5 I would ask that you be back in approximately one  
6 hour. That is at 1:45. With the exception of Mr. Francois. I  
7 know you wanted to speak with us privately, so I'm going to ask  
8 that you remain.

9 The rest of you, I'm going to remind you of several  
10 things. And that is not to talk to anyone either directly or  
11 indirectly about the facts of the case. Do not allow anyone to  
12 ask questions of you. Do not conduct any independent research.  
13 Everything learned about the case is learned within the four  
14 walls of this courtroom.

15 And a reminder to return promptly; that is, we cannot  
16 get back to work unless all of you are here.

17 Have a pleasant lunch and I'll see you back here at  
18 1:45.

19 Mr. Francois, if you'll remain, sir.

20 (Panel not present, 12:39 p.m.)

21 THE COURT: And, Mr. Francois, you can come down here,  
22 sir.

23 Thank you.

24 (Pause in proceedings.)

25 THE COURT: All right. Please be seated.

1                   Mr. Francois, thank you for staying in the courtroom.  
2 And you can go ahead and have a seat.

3                   Mr. Francois, you did advise the Court that you wanted  
4 to speak privately with the Court and the attorneys. So I did  
5 want to give you that opportunity, sir.

6                   PROSPECTIVE JUROR: Yes. I just want to say that I am  
7 an immigrant. I'm learning English, right? So I think this  
8 case is about some rough words, I mean, high-level English that  
9 I'm not familiar with. So I think I won't be able like to  
10 understand everything.

11                  THE COURT: And Mr. Francois, let me ask again because  
12 I know you were asked in the jury room, but do you have some  
13 difficulty with the English language such that you feel you  
14 could not effectively serve as a juror or is it because you are  
15 concerned that there may be some technical terms?

16                  PROSPECTIVE JUROR: Exactly.

17                  THE COURT: All right. And again, if there are  
18 technical terms, then hopefully the attorneys through the  
19 testimony will be able to explain those technical terms.

20                  But if that is your concern, as opposed to  
21 understanding the English language, then perhaps I should ask  
22 whether you have a concern with regard to your service.

23                  Do you believe that that concern would have an effect  
24 on your ability to serve as a juror in this case?

25                  PROSPECTIVE JUROR: As they were asking, I think they

1 want someone to be fair. So if -- I think if I don't  
2 understand everything, I won't be able to be -- to be fair.

3 THE COURT: And let me ask, Mr. Francois, so that I  
4 understand: Do you fully understand the English language?

5 PROSPECTIVE JUROR: The basic, yes.

6 THE COURT: All right. Are there some words that you  
7 don't -- and I just want to make sure I understand with regard  
8 to the basic.

9 Do you believe that you can converse and you are  
10 comfortable with the English language and that you could  
11 converse with your fellow jurors during the deliberation?

12 PROSPECTIVE JUROR: I got my limits, you know. I  
13 think I'm -- yeah, I'm limited in English. So ...

14 THE COURT: So would you feel comfortable serving on  
15 this jury?

16 PROSPECTIVE JUROR: I think we are dealing with like  
17 people with knowledge of a lot of things that I'm not. So  
18 that's my concern.

19 THE COURT: All right. You stated on your  
20 questionnaire: "I am just emotional. That can affect my  
21 ability."

22 So you're speaking of a comfort level with regard to  
23 certain technical terms. Is there anything else that we should  
24 know that may affect your ability to serve as a fair and  
25 impartial juror?

1 PROSPECTIVE JUROR: No.

2 THE COURT: All right. So with regard to your  
3 response: "I am just emotional," do you believe that that  
4 would have an effect on your ability to serve?

5 PROSPECTIVE JUROR: No. As I said, no.

6 THE COURT: Okay. So you just have a little bit of  
7 concern with regard to some technical terms?

8 PROSPECTIVE JUROR: Exactly.

9 THE COURT: All right. Is there anything else, sir?

10 PROSPECTIVE JUROR: No.

11 THE COURT: All right. Thank you, Mr. Francois.

12 Have a pleasant lunch, sir.

13 PROSPECTIVE JUROR: Thank you.

14 (Panel member exits the courtroom.)

15 THE COURT: All right. Go ahead and have a seat for  
16 just a moment. I do want to give you an appropriate lunch  
17 recess and also an opportunity to confer.

18 I would like to start the jury selection. Would 45  
19 minutes be sufficient for a lunch break? And then we can come  
20 back at 1:30, and then we'll begin to select our jury.

21 Is that acceptable to both sides?

22 MR. BRENNER: It is for the Plaintiffs.

23 MR. RIVERO: Yes, Your Honor.

24 THE COURT: All right, then. Have a pleasant lunch.

25 You're free to remain in the courtroom or the conference room.

1 Certainly I don't want to limit you on where you can go for  
2 your lunch break, but I'll see you back here at 1:30. Have a  
3 pleasant lunch.

4 (Recess from 12:44 p.m. to 1:30 p.m.)

5 THE COURT: We're a few minutes early.

6 Welcome back. Go ahead and have a seat.

7 All right. Please let me know when both sides are  
8 ready to proceed.

9 MR. RIVERO: Judge, we just need a moment.

10 Ms. McGovern's in the restroom.

11 THE COURT: Certainly.

12 MR. RIVERO: Mr. Brenner and I had some questions --

13 (Court reporter interruption.)

14 MR. RIVERO: Sorry.

15 Your Honor, may I ask the court reporter -- I just  
16 want to make sure that I have been speaking loudly enough and  
17 not too fast.

18 MR. RIVERO: Oh, little too fast.

19 THE COURT: All right. Let's proceed.

20 MR. BRENNER: Oh, Judge, I think we just wanted to  
21 make sure we're all on the same page and understand how we're  
22 going to proceed on the --

23 THE COURT: All right. Let's discuss the jury  
24 selection process. As we know, we are selecting 10 jurors. I  
25 will address the panel as a whole, that is all 30, and address

1 any for-cause challenges. Then we will proceed with the first  
2 10, and we will alternate with peremptory challenges.

3 As the Plaintiff has agreed -- the Plaintiffs are  
4 aligned -- the Plaintiff will have three peremptory challenges,  
5 the Defendant will have three and then we will begin to select  
6 our jury.

7 So let us proceed at this time.

8 Are there any for-cause challenges, looking at the  
9 panel as a whole? On behalf of the Plaintiff?

10 And you can go through all of the for-cause challenges  
11 and then we'll turn to the Defendant.

12 And let me state that, Mr. Brenner, once you state the  
13 for-cause challenge, if there is no objection by the other  
14 side, then there's no need to proceed with argument. And that  
15 will work as well when the Defendant presents his for-cause  
16 challenges.

17 MR. BRENNER: Okay. I hope that -- I'm going to have  
18 to go back to other notes. If I -- well, the first Plaintiffs'  
19 cause challenge as far as lowest to number order is Number 15,  
20 Mr. Lopez-Loyola.

21 THE COURT: Is there any objection?

22 MR. RIVERO: One moment, Your Honor.

23 (Pause in proceedings.)

24 MR. RIVERO: We agree.

25 THE COURT: The juror is stricken for cause.

1 MR. BRENNER: The next one, Judge, is Juror Number 21.

2 MR. RIVERO: Is that Mr. Escobedo?

3 MR. BRENNER: Yes.

4 THE COURT: Is there any objection?

5 MR. RIVERO: No, Your Honor.

6 THE COURT: The juror is stricken for cause.

7 MR. BRENNER: Thank you, Your Honor.

8 The next is Juror Number 23, Lynda Charles.

9 THE COURT: Any objection?

10 MR. RIVERO: Yes, Judge.

11 THE COURT: And the basis, Mr. Brenner?

12 MR. BRENNER: I believe under questioning from the  
13 Court she said that she --

14 MS. MCGOVERN: No objection.

15 MR. RIVERO: I apologize, Your Honor. I'm corrected  
16 that we do not have an objection to that strike. I apologize.

17 THE COURT: The juror is stricken.

18 MR. BRENNER: And then the only other one the  
19 Plaintiff had for cause, Your Honor, is Number 30, who I think  
20 is not qualified to serve.

21 MR. RIVERO: We agree, Judge.

22 THE COURT: The juror is stricken.

23 On behalf of the Defendant.

24 MR. RIVERO: One moment, Your Honor.

25 THE COURT: And if you feel more comfortable, you can

1 certainly sit at counsel table, since you might be conferring  
2 with --

3 MR. RIVERO: Thank you, Judge. That will be --

4 THE COURT: Yes. You don't need to be tied to the  
5 podium.

6 (Pause in proceedings.)

7 MR. RIVERO: Yes, Judge. We have two. It would be  
8 Mr. Cassidy, Number 2.

9 THE COURT: Any objection?

10 MR. BRENNER: No objection, Your Honor.

11 THE COURT: The juror is stricken.

12 MR. RIVERO: And Judge, we would have also  
13 Ms. McCrimmon. And I'm trying to find the number.

14 Number 28.

15 MR. BRENNER: 28.

16 THE COURT: Any objection?

17 MR. BRENNER: No objection.

18 THE COURT: The juror is stricken.

19 Is that the extent of the for-cause challenges by both  
20 sides?

21 MR. RIVERO: Just consulting, Your Honor.

22 (Pause in proceedings.)

23 MR. RIVERO: Yes, Your Honor.

24 THE COURT: All right. Then we'll proceed with the  
25 first 10: Matherne, Adams, Coffie, Pinillos, Nixon,

1 Bustamante, Horne, Barnett, Rozansky, and Cabrera.

2 Are there any peremptory challenges on behalf of the  
3 Plaintiffs?

4 MR. BRENNER: Your Honor, if we both pass, do we have  
5 a jury or is there a chance to backstrike?

6 THE COURT: You can pass. We're going to go back  
7 until either both sides agree or you have exhausted your  
8 peremptory challenges.

9 MR. BRENNER: Okay. So we'll pass.

10 THE COURT: On behalf of the Defendant?

11 MR. RIVERO: Judge, just to I'm sorry -- to make sure  
12 I understand, if I were to pass, game over, right?

13 THE COURT: Well, no. It's not game over. I'm going  
14 to go back to the -- at some point, you've got to look at these  
15 10 and make a decision.

16 And let me advise both sides -- and I do want to  
17 remind you that with regard to Carlotta Coffie that she has a  
18 doctor's appointment on -- I believe she said a 4:00 p.m. and  
19 5:00 p.m. today. She has a -- with regard to her son, we would  
20 most likely need to start every day at 10:00 a.m. There  
21 wouldn't be the option for 9:00. I'm not -- I'm just bringing  
22 that to your attention.

23 MR. RIVERO: Your Honor, I just want to make sure,  
24 because I have -- from recollection -- but I'll ask my team to  
25 correct me and the Plaintiffs correct me -- my recollection is

1 that Ms. Sheneka Jones has a 4:00 p.m. and a 5:00 p.m., but  
2 that Charlotte [sic] Coffie has an issue that her son has a  
3 special needs every morning at 9:00 a.m. --

4 THE COURT: I'm sorry. Jones is what number, please?

5 MR. RIVERO: That would be, Judge -- and this is from  
6 recollection, Judge, from speaking to them --

7 THE COURT: What number, please?

8 MR. RIVERO: 27, Judge. That's my recollection of who  
9 has the appointments today.

10 THE COURT: And you are correct. She has 2:00 and  
11 3:00 this afternoon. It was Ms. Coffie that had the son that  
12 she needed to take to the doctor and also another child to  
13 school.

14 MR. RIVERO: That's right, Judge.

15 Just to be clear on the record, she has to drop the  
16 special-needs boy off at 9:00 a.m. in Miami Gardens.

17 THE COURT: Right. So with that understanding, we  
18 would certainly need to adjust for her schedule.

19 All right. On behalf of the Defendant.

20 MR. RIVERO: Not at this point, Judge.

21 THE COURT: Okay. On behalf of the Plaintiff, do you  
22 accept this panel?

23 MR. BRENNER: Your Honor, the Plaintiff will exercise  
24 its first peremptory strike on Juror Number 10, Ms. Rozansky.

25 PROSPECTIVE JUROR: All right. Bringing Pedro Cabrera

1 as a member of the panel.

2 On behalf of the Defendant?

3 MR. RIVERO: Your Honor, we would exercise a  
4 peremptory as to Mr. Horne, who is Number 8.

5 THE COURT: Elizabeth Fabelo becomes a member of the  
6 prospective panel.

7 On behalf of the Plaintiff?

8 MR. BRENNER: Your Honor, I'm just catching up. You  
9 were up to?

10 THE COURT: Fabelo. Juror Number 12.

11 MR. BRENNER: Juror Number 12. Thank you, Your Honor.

12 THE COURT: Actually, my apologies, because you have  
13 exercised two. We have Bruguez who is now a member of the  
14 panel.

15 MR. BRENNER: Right.

16 THE COURT: Cassidy, Horne, and Rozansky are stricken.

17 MR. BRENNER: Accept, Your Honor.

18 THE COURT: On behalf of the Defendant?

19 MR. RIVERO: Yes, Your Honor. At this stage, accept.

20 THE COURT: Does the Plaintiff -- or Plaintiffs tender  
21 this panel?

22 MR. BRENNER: The Plaintiffs will exercise its second  
23 peremptory on Juror Number 1.

24 THE COURT: Michael Weber joins the panel.

25 On behalf of the Defendant?

1 MR. RIVERO: No peremptories at this point, Your  
2 Honor.

3 THE COURT: Does the Plaintiff tender?

4 MR. BRENNER: Your Honor, we're up to Juror Weber,  
5 correct?

6 THE COURT: Yes. That's correct.

7 MR. BRENNER: The Plaintiffs will exercise their third  
8 strike on Juror Number 14.

9 THE COURT: Arlene Yera joins the panel.

10 Does the Defendant tender this panel?

11 MR. RIVERO: One moment, Your Honor.

12 (Pause in proceedings.)

13 MR. RIVERO: We tender, Judge.

14 THE COURT: All right.

15 Then the panel will consist of the following  
16 individuals: Timothy Adams, Carlotta Coffie, Maria Pinillos,  
17 Rosalina Nixon, Michelle Bustamante, Alden Barnett, Pedro  
18 Cabrera, Elizabeth Fabelo, Marisleydis Bruguez, and Arlene  
19 Yera.

20 Do both sides accept and tender this panel?

21 MR. BRENNER: Plaintiff does, Your Honor.

22 MR. RIVERO: Yes, Your Honor.

23 THE COURT: All right, then.

24 Then let's look at the accommodation. And as I  
25 stated, we do need to accommodate Ms. Coffie. So I was going

1 to suggest tomorrow, since we did have a criminal matter  
2 cancel -- but we'll begin tomorrow at 10:00 a.m. And as the  
3 written trial schedule reflects, we'll begin each morning at  
4 10:00 a.m.

5 I would suggest at this point, once we bring the  
6 jurors back in, that the 10 will be sworn. We will excuse the  
7 rest of the members. The panel will be seated. I will give  
8 them some preliminary instructions and then we will proceed  
9 with opening statements.

10 I would suggest that by that time, there may not be  
11 enough time to present any testimony, but I leave that to the  
12 Plaintiffs.

13 Is there any testimony that can be presented following  
14 the opening statements today?

15 MR. ROCHE: Your Honor, we have a witness that will  
16 take quite a long time. We prefer to start in the morning, if  
17 it's okay with the Court.

18 THE COURT: All right. And since -- and each side has  
19 asked for 60 minutes; is that correct?

20 MR. ROCHE: 45, Your Honor.

21 THE COURT: Well, is there any reason why we can't  
22 start with -- is there a witness here today if we only need an  
23 hour and a half?

24 MR. ROCHE: Yes, Your Honor. Except the witness's  
25 testimony is complex. He's explaining a lot of interrelating

1 parts to Bitcoin. To break up that testimony I do think would  
2 be problematic. So --

3 THE COURT: Well, we would be done by 3:30 today. So  
4 I'm suggesting that we can -- if both sides are asking for the  
5 45 minutes, then that would literally take us to about 3:30.

6 Is there any reason we couldn't use at least an hour  
7 with the testimony?

8 MR. ROCHE: We would prefer not to. Again, because I  
9 think what will happen is we'll end right in the middle of him  
10 explaining the technology behind Bitcoin.

11 If you don't think that's a reason enough, we're  
12 prepared to go forward. He's here. He's ready to testify.  
13 But I would strongly prefer us wait until tomorrow morning to  
14 begin with the first witness.

15 THE COURT: On behalf of the Defendant?

16 MR. RIVERO: Your Honor, I think that we were planning  
17 to go until 5:00 p.m. That's what the Court instructed us.  
18 We're prepared to proceed.

19 THE COURT: And I agree. I think it's inevitable that  
20 there will be days where testimony will need to be broken up  
21 and short of a witness who is not able to return the following  
22 day. And that's why I did caution that there may be days that  
23 we would go past 5:00. I'd like to make full use of the time  
24 that we have together.

25 Okay. Are there any other issues that we need to

1 address?

2 MR. BRENNER: None for the Plaintiff, Your Honor.

3 MR. RIVERO: Not for the Defendant, Judge.

4 (Pause in proceedings.)

5 MR. RIVERO: Your Honor, we have a request for a  
6 further restroom break. Is that acceptable?

7 THE COURT: Certainly. Why don't you go ahead and use  
8 the restroom here. And then let us know when we're ready to  
9 proceed.

10 MR. BRENNER: I thought we were going to get one of  
11 our Florida classic backstrikes.

12 THE COURT: I'm sorry?

13 MR. BRENNER: I thought we were going to get one of  
14 our Florida classic backstrikes, but bathroom is no objection.

15 THE COURT: Let me know before the jury is sworn.

16 COURT SECURITY OFFICER: We're missing one.

17 (Pause in proceedings.)

18 COURT SECURITY OFFICER: We're ready, Judge. They're  
19 all here.

20 THE COURT: Let me just make sure the attorneys have  
21 returned from their -- are both sides ready to proceed?

22 MR. RIVERO: Yes.

23 MR. ROCHE: Yes.

24 THE COURT: All right. Let's bring in the jury.

25 (Before the panel, 1:48 p.m.)

1                   THE COURT: Yes. Let me ask that you return to the  
2 seat where you started this morning.

3                   Thank you. Not a problem. Not a problem.

4                   (Pause in proceedings.)

5                   THE COURT: All right. Welcome back, Ladies and  
6 Gentlemen. Please be seated.

7                   Thank you for being so prompt. I trust that everyone  
8 had a pleasant lunch and ready to get back to work.

9                   I have some good news, and that is we have selected a  
10 jury to try the case of Ira Kleiman as personal representative  
11 of the estate of Dave Kleiman and W&K Info Defense Research,  
12 LLC v. Craig Wright.

13                  I'm going to ask the following individuals, who have  
14 been selected, to make your way right here to the middle of the  
15 courtroom, so that you can be sworn in collectively as Members  
16 of the Jury:

17                  Timothy J. Adams, Carlotta Coffie, Maria Pinillos,  
18 Rosalina Nixon, Alden Wayne Barnett, Pedro Cabrera, Elizabeth  
19 Fabelo, Marisleydis Bruguez, and Arlene Mesa Yera.

20                  (Pause in proceedings.)

21                  COURTROOM DEPUTY: Can you all --

22                  THE COURT: Wait. Hold on. Hold on. Let me just  
23 make sure. One, two, three, four, five -- where is our --  
24 we're missing -- if you'll just raise your right hand: Timothy  
25 J. Adams -- you can put your hands down and just raise your

1 hands, so I know you're here. Timothy Adams, Carlotta Coffie,  
2 Maria Pinillos, Rosalina Nixon, Michelle Bustamante -- ah,  
3 Ms. Bustamante. And it's my error, but please come join us.  
4 There is our Number 10.

5 All right. Alden Barnett, Pedro Cabrera, Elizabeth  
6 Fabelo, Marisleydis Bruguez, and Arlene Yera.

7 All right. Thanks, Liz.

8 COURTROOM DEPUTY: Please raise your right hand.

9 (Jury sworn, 1:52 p.m.)

10 THE COURT: All answering in the affirmative.

11 With the exception of the members that have been  
12 sworn, I'm going to ask that you just step to the side, because  
13 you will allow the other individuals who have taken the time --  
14 and I thank each of you for giving us the opportunity to get to  
15 know you a little bit better.

16 I wish I could say you can go home now, but I'm going  
17 to ask that you report back to the fifth floor to the jury pool  
18 and they will give you further instructions.

19 Have a pleasant afternoon.

20 (Pause in proceedings.)

21 THE COURT: And let me ask that our sworn members make  
22 your way into our jury box. And there are no assigned seats.  
23 Wherever you feel most comfortable.

24 UNIDENTIFIED JUROR: Can I go back and get my brown  
25 bag?

1 THE COURT: Yes. Of course. Is it here in the  
2 courtroom?

3 PROSPECTIVE JUROR: It's right there.

4 THE COURT: Thank you, sir.

5 The first X is on the blue seat, sir. If I can just  
6 ask that you just make your way down so we can maintain social  
7 distancing.

8 (Pause in proceedings.)

9 THE COURT: Please be seated.

10 Members of the Jury:

11 Now that you have been sworn, I do need to explain  
12 some basic principles about a civil trial and your duty as  
13 jurors. These are preliminary instructions. I will give you  
14 more detailed instructions at the end of the trial.

15 It is your duty to listen to the evidence, decide what  
16 happened, and apply the law to the facts. It is my job to  
17 provide you with the law that you must apply. And you must  
18 follow the law, even if you disagree with it.

19 You must decide the case only on the evidence  
20 presented in the courtroom. Evidence comes in many forms. It  
21 can be testimony about what someone saw, heard, or smelled. It  
22 can be an exhibit or a photograph. It can be someone's  
23 opinion.

24 Some evidence may prove a fact indirectly. Let's say  
25 a witness saw wet grass outside and people walking into the

1 courthouse carrying wet umbrellas. This might be indirect  
2 evidence that it rained, even though the witness did not  
3 personally see it rain. Indirect evidence like this is also  
4 called circumstantial evidence. Simply, a chain or a set of  
5 circumstances that tends to prove a fact.

6 As far as the law is concerned, it makes no difference  
7 whether evidence is direct or indirect. You may choose to  
8 believe or disbelieve either kind. Your job is to give each  
9 piece of evidence whatever weight you think it deserves.

10 During the trial, you'll hear certain things that are  
11 not evidence and you must not consider them.

12 First, the lawyers' statements and arguments are not  
13 evidence. In their opening statements and closing arguments,  
14 the lawyers will discuss the case. Their remarks may help you  
15 follow each side's arguments and presentation of evidence. But  
16 the remarks themselves are not evidence and should not play a  
17 role in your deliberations.

18 Second, the lawyers' questions and objections are not  
19 evidence. Only the witnesses' answers are evidence.

20 Do not decide that something is true just because a  
21 lawyer's questions suggests it is. For example, a lawyer may  
22 ask a witness: "You saw Mr. Jones hit his sister, didn't you?"  
23 That question is not evidence of what the witness saw or what  
24 Mr. Jones did, unless the witness agrees with it.

25 There are rules of evidence that control what the

1 Court can receive into evidence.

2           When a lawyer asks a witness a question or presents an  
3 exhibit, the opposing lawyer may object if he or she thinks the  
4 Rules of Evidence do not permit it. If I overrule the  
5 objection, then the witness may answer the question or the  
6 Court may receive the exhibit. If I sustain the objection,  
7 then the witness cannot answer the question and the Court  
8 cannot receive the exhibit.

9           When I sustain an objection to a question, you must  
10 ignore the question and not guess what the answer might have  
11 been.

12           Sometimes I may disallow evidence -- this is also  
13 called striking the evidence -- and order that you disregard or  
14 ignore it. That means that you must not consider that evidence  
15 when you are deciding the case.

16           I may allow some evidence for only a limited purpose.  
17 When I instruct you that I have admitted an item of evidence  
18 for a limited purpose, you must consider it only for that  
19 purpose and no other.

20           To reach a verdict, you may have to decide which  
21 testimony to believe and what testimony not to believe. You  
22 may believe everything a witness said, part of it, or none of  
23 it.

24           When considering a witness's testimony, you may take  
25 into account the witness's opportunity and ability to see,

1 hear, or know the things the witness is testifying about, the  
2 witness's memory, the witness's manner while testifying,  
3 including limitations with regard to that testimony, any  
4 interest the witness may have in the outcome of the case, and  
5 any bias or prejudice the witness may have, any other evidence  
6 that contradicts the witness's testimony, the reasonableness of  
7 the witness's testimony in light of all the evidence and any  
8 other factor affecting believability.

9                 At the end of the trial, I will give you additional  
10 guidelines for determining a witness's credibility.

11                 As I stated to you earlier -- and let me further  
12 state, that the Plaintiffs in this case are Ira Kleiman, as the  
13 personal representative of the estate of David Kleiman, which I  
14 will refer to as "the estate of David Kleiman," and W&K Info  
15 Defense Research, LLC, which I will refer to as "W&K."

16                 The Defendant in this case is Craig Wright.  
17 Plaintiffs allege that David Kleiman and Craig Wright entered  
18 into a partnership to develop and release the original Bitcoin  
19 protocol to mine Bitcoin and to develop blockchain-related  
20 intellectual property.

21                 Plaintiffs also allege that after David Kleiman died,  
22 the Defendant wrongfully took the partnership's assets, namely,  
23 Bitcoin and blockchain-related intellectual property, and David  
24 Kleiman [sic] kept them for himself.

25                 The estate of David Kleiman seeks to recover their

1 share of the assets in this lawsuit.

2 Plaintiffs further allege that the Defendant  
3 wrongfully seized control of a Florida company owned by David  
4 Kleiman, W&K, and wrongfully took its assets after David  
5 Kleiman died, including intellectual property.

6 Craig Wright, the Defendant in this case, denies that  
7 he had a partnership with David Kleiman and further denies that  
8 he wrongfully took assets belonging to W&K.

9 The Defendant has raised legal defenses to some of the  
10 Plaintiffs' claims, which the Court will explain later in this  
11 trial.

12 While serving on a jury, you are not to talk with  
13 anyone about anything related to the case. You may tell people  
14 that you are a juror and give them information about when you  
15 must be in court, but you must not discuss anything about the  
16 case with anyone.

17 You should not even talk about the case with each  
18 other until you begin your deliberations. You want to make  
19 sure that you have heard everything, all the evidence, the  
20 lawyers' closing arguments, and my instructions on the law,  
21 before you begin deliberating.

22 You should keep an open mind until the end of the  
23 trial. Premature discussions may lead to a premature decision.

24 In this age of technology, I want to emphasize that in  
25 addition to not talking face-to-face with anyone about the

1 case, you must not communicate with anyone about the case by  
2 any other means. That includes emails, text messages, phone  
3 calls and the Internet, including social networking websites  
4 and apps, such as Facebook, Instagram, Snapchat, YouTube, or  
5 Twitter.

6 You may not use any similar technology of social media  
7 even if I have not specifically mentioned it here.

8 You must not provide any information about the case to  
9 anyone by any means whatsoever. And that includes posting  
10 information about the case or what you are doing in the case on  
11 any device or Internet site, including blogs, chat rooms,  
12 social websites, or other means.

13 You should not Google or search online or offline for  
14 any information about the case, the parties, or the law.

15 Do not read or listen to the news about this case,  
16 visit any places related to this case or research any fact,  
17 issue, or law related to the case.

18 The law forbids jurors to talk with anyone about the  
19 case and forbids anyone else to talk to you, the jurors.

20 It is very important that you understand why these  
21 rules exist and why they are so important.

22 You must base your decision only on the testimony and  
23 other evidence presented in the courtroom. It is not fair to  
24 the parties if you base your decision in any way on information  
25 you acquire outside of the courtroom.

1                   The law often uses words and phrases in special ways.  
2                   So it's important that any definition you hear come only from  
3                   me and not from any other source.

4                   Only you as jurors can decide a verdict in this case.  
5                   The law sees only you as fair and only you have promised to be  
6                   fair. No one else is so qualified.

7                   Now, you have been provided a notepad and pen for your  
8                   use if you do wish to take notes to help you remember what the  
9                   witnesses said. If you do take notes, please do not share them  
10                  with anyone until you go to the jury room to decide the case.  
11                  Do not let note-taking distract you from carefully listening to  
12                  and observing the witnesses.

13                  When you leave the courtroom, you should leave your  
14                  notes hidden in view in the jury room and the jury room will be  
15                  locked.

16                  Whether or not you take notes, you should rely on your  
17                  own memory of the testimony. Your notes are there only to help  
18                  your memory. They are not entitled to greater weight than your  
19                  memory or impression about the testimony.

20                  Let us walk through the trial at this time.

21                  First, each side will make an opening statement, but  
22                  they don't have to. Remember, an opening statement is not  
23                  evidence. It's not supposed to be argumentative. It's just an  
24                  outline of what the party intends to prove.

25                  Next, the Plaintiffs, the estate of David Kleiman and

1 W&K, will present their witnesses and ask them questions.

2 After they question the witnesses, the Defendant may ask the  
3 witness questions. That's called cross-examining the witness.

4 And then the Defendant will present his witnesses and the  
5 Plaintiffs may cross-examine them.

6 You should base your decision on all the evidence,  
7 regardless of which party presented it.

8 After all the evidence is presented, the parties,  
9 through their lawyers, will make a closing argument to  
10 summarize and interpret the evidence for you. And then I will  
11 give you instructions on the law. You will then go to the jury  
12 room to deliberate.

13 Now, let me remind you that reports about this trial  
14 may appear in the media. The reporters have not heard all the  
15 testimony as you have and may be getting information from  
16 people who are not under oath and subject to cross-examination.  
17 And they may emphasize an unimportant point or something that  
18 is simply wrong.

19 You must not read, listen to, or watch anything about  
20 this trial. It would violate your oath as a juror to decide  
21 this case on anything other than the evidence presented at  
22 trial and your own common sense. You must decide this case  
23 exclusively on the evidence you receive here in court.

24 Ladies and Gentlemen, at this point in time, we will  
25 proceed with opening statements, first on behalf of the

1 Plaintiffs, and then on behalf of the Defendant.

2 MR. ROCHE: Your Honor, we're just going to grab an  
3 easel and whiteboard to write a few things on during opening  
4 statement.

5 THE COURT: Yes, of course.

6 And, Ladies and Gentlemen, when a piece of evidence  
7 has been admitted, you have monitors in front of you, and I  
8 would ask that you make sure that those monitors are on at the  
9 appropriate time so that you may view the evidence.

10 (Pause in proceedings.)

11 MR. ROCHE: Why don't we put it over here so that  
12 defense counsel can see it.

13 Your Honor, do you mind so that Defense counsel can  
14 see it, I'll put it here? If you need to see it, I can turn  
15 it.

16 THE COURT: That's fine.

17 And before we proceed with the opening, as agreed to  
18 by the -- both sides, let me advise you, Ladies and Gentlemen,  
19 that during the trial you may submit questions to a witness  
20 after the lawyers have finished their own questioning once we  
21 begin the testimony of the witnesses.

22 And here is how the procedure will work: After each  
23 witness has testified, and the lawyers have asked all of their  
24 questions, I will ask if any of you have questions. If you  
25 have a question, write it down and give it to the court

1 security officer.

2 You may submit a question for a witness only to  
3 clarify an answer or to help you understand the evidence. Our  
4 experience with juror questions indicate that jurors rarely  
5 have more than a few questions for any one witness and there  
6 may be no questions at all for some witnesses.

7 If you do submit a question, the court staff will give  
8 it to me and I will share your question with the lawyers in the  
9 case. If the Rules of Evidence allow your question to be  
10 asked, then I will read your question to the witness.

11 I may modify the form or phrasing of a question so  
12 that it is allowed under the Rules of Evidence.

13 Sometimes I may not allow the question to be read to  
14 the witness, either because the law does not allow it or  
15 because another witness is in a better position to answer the  
16 question.

17 If I do not allow the witness to answer the question,  
18 you must not draw any conclusion from that fact or speculate on  
19 what the answer might have been.

20 And here are some important things to keep in mind  
21 about your questions for the witnesses. First, you must submit  
22 all questions in writing. Please do not answer -- or ask any  
23 questions aloud.

24 Second, the Court cannot recall witnesses to the stand  
25 for additional juror questions. So if you have a question for

1 a particular witness, you must submit it when I ask.

2 And finally, because you should remain neutral and  
3 open-minded throughout the trial, you should phrase your  
4 question in such a way that doesn't express an opinion about  
5 the case or a witness. You must keep an open mind until you've  
6 heard all the evidence, the closing arguments, and my final  
7 instructions on the law.

8 Let's proceed with opening statements, please.

9 MR. ROCHE: April 29th, 2013, Craig Wright wakes up to  
10 tragedy --

11 COURT REPORTER: Your mic is not on. Sorry.

12 MR. ROCHE: Oh.

13 Good?

14 COURT REPORTER: Yes, now.

15 MR. ROCHE: -- and he checks his email, he learns that  
16 his best friend and business partner, David Kleiman, is found  
17 dead at his home in Florida.

18 This news confronts Craig Wright with a very important  
19 decision: Does he reach out to Dave's family and tell them  
20 about the secret fortune they jointly created together or does  
21 he keep the secret and try to keep that fortune all for  
22 himself?

23 See, five years before Dave died, in 2008, Dave and  
24 Craig, computer experts and best friends, would create a  
25 partnership that would change the world. Working together,

1 they created a new form of digital money that we've all heard  
2 today and this morning called Bitcoin.

3 Over the life of that partnership and up until Dave's  
4 death, they jointly mined over 1.1 million Bitcoin, a trove  
5 that is worth more than \$60 billion today.

6 When Craig learns that Dave is gone, he knows Dave's  
7 family knows nothing about the partnership. He knows this  
8 because Dave promised him that he would keep the partnership  
9 secret. And Craig knows that Dave kept that secret because  
10 that's the kind of man Dave was.

11 So Craig's got a choice: Does he reach out to the  
12 family, offer up condolences and try to work out a plan to make  
13 sure that the estate gets its fair share? Or does he say  
14 nothing, transfer all the assets into his own name and hope  
15 that no one ever catches him?

16 We are here today in this courtroom because that man,  
17 Craig Wright, chose to steal from his dead best friend and  
18 business partner.

19 Over the coming weeks, you're going to hear of Craig  
20 Wright's fraudulent scheme to steal from his dead best friend  
21 Dave's share of the partnership's Bitcoin and the intellectual  
22 property they jointly developed together.

23 You're going to hear from Craig's CFO that shortly  
24 after Dave died, all of a sudden Craig had money to spend.  
25 You're going to see emails and contracts that Craig forged in

1 his dead best friend's name, including asset transfers that  
2 never really happened.

3 You're going to see the tangled web of lies that Craig  
4 Wright has spun for years, including lies he told to Dave's  
5 grieving family.

6 Ladies and Gentlemen of the Jury, my name is Kyle  
7 Roche and I want to thank you all for being here today, this  
8 afternoon, and for serving as jurors over the coming weeks.

9 I'm joined today by my co-counsel, Vel Freedman and  
10 Andrew Brenner, and together we represent the estate of Dave  
11 Kleiman.

12 Joined with us at Plaintiffs' table is Dave's brother,  
13 Ira Kleiman, who Dave appointed to be the personal  
14 representative of Dave's estate.

15 Also with us is Dorian Vela. Dorian's going to help  
16 make sure that we have the courtroom technology figured out and  
17 everything running smoothly.

18 I want to begin or continue this morning -- or  
19 afternoon by addressing three topics: First, I'd like to  
20 preview with you-all the evidence you're going to see in this  
21 case.

22 The evidence can be broken down into roughly three  
23 distinct time periods: First, from 2008 to April 2013. That's  
24 the period in time that Dave and Craig partnered to develop the  
25 Bitcoin protocol and to jointly mine over 1.1 million Bitcoin.

1           The next time period is from April 2013 up until when  
2 this lawsuit is filed on February 2018. This is when Craig  
3 executes his fraudulent scheme to steal Dave's share of the  
4 partnership's assets. It is also during this time that Craig  
5 admits that he partnered with Dave. He just claims that Dave  
6 transferred everything to him shortly before he passed away.

7           The last time period is from 2018 to today. This is  
8 when, after the estate files its lawsuit, Craig is confronted  
9 with the evidence of his fraudulent scheme. It's also the  
10 period in time when Craig realizes he has to change his story  
11 and they were no longer partners. And as you preview the  
12 evidence this morning and you see the evidence over the coming  
13 weeks, that's something I want you to pay close attention to:  
14 What Craig says before this lawsuit was filed, and what he says  
15 afterwards.

16           After we go through these time periods, I want to  
17 spend a brief -- a few minutes talking about the witnesses  
18 you're going to hear from in this case.

19           And the last topic we'll discuss this morning is, at  
20 the conclusion of this trial, you will be asked to weigh the  
21 documents and all the evidence you see in this case and weigh  
22 in on a few key issues. And I want to spend a few minutes at  
23 the conclusion discussing each of those key issues.

24           So before we move into the three time periods, I want  
25 to spend a minute discussing who Dave Kleiman was.

1           Dave was a self-taught computer programmer. He also  
2 served in the Army as a helicopter technician. You heard this  
3 morning that in the early '90s he was involved in a motorcycle  
4 accident that left him paralyzed from the waist down.

5           And it was after this accident that his interest in  
6 computers intensified, and you're going to hear that he was  
7 published, authored numerous articles and books in the computer  
8 science space and that he also received a number of  
9 certifications as well.

10           And it's this interest in computers as to how Dave and  
11 Craig first met online. So this moves us into Time Period  
12 Number 1, 2008 to 2013.

13           Dorian, if we could put the first slide up on the  
14 screen and once -- and you'll see as we talk through some of  
15 the evidence today, you'll have the exhibits I'm talking about  
16 in front of you.

17           And does the jury have --

18           THE COURT: Ladies and Gentlemen, your screens should  
19 be turned on.

20           All right. Can you raise your right hand if your  
21 screen is not on?

22           All right. All the screens are on. We should have  
23 the screens in the gallery as well.

24           MR. ROCHE: Okay. So to orient ourselves again, we're  
25 starting off in Time Period Number 1. And this is an email

1 that Craig sends to Dave on March 12th, 2008.

2           He writes -- and I'll start at the top before the  
3 highlights -- "I need your help editing a paper I'm going to  
4 release later this year. I have been working on a new form of  
5 electronic money, BitCash, Bitcoin. You are always there for  
6 me, Dave. I want you to be part of it all. I cannot release  
7 it as me. I need your help and I need a version of me to make  
8 this work that is better than me."

9           About six months after this email was written on  
10 Halloween, just a day ago, 2008, Satoshi Nakamoto -- the  
11 Bitcoin Whitepaper is published under the alias Satoshi  
12 Nakamoto.

13           Dorian, if you could go to that slide.

14           This is the whitepaper that first releases the concept  
15 of Bitcoin to the world. "Whitepaper" is a technical term used  
16 to -- by authors to introduce new concepts and this is the  
17 first whitepaper or document of any kind to outline the Bitcoin  
18 protocol.

19           About a year after this whitepaper was released, on  
20 Thanksgiving Day 2009, Dave and Ira are having a conversation  
21 about his involvement in Bitcoin. And we'll get to that  
22 conversation in a bit.

23           But it's during this conversation that Dave pulls out  
24 a business card out of his pocket, he flips it over and he  
25 draws the "B" for the Bitcoin logo on the back of the business

1 card and he asks Ira for his input on the logo.

2 Years later, when Ira tells Dr. Wright about this  
3 story, Craig Wright confirms that him and Dave had developed  
4 Bitcoin, they were partners together, and he even shares with  
5 him some of the early logos.

6 You're also going to hear from Bob Radvanovsky.  
7 Remember when I told you earlier that they kept their  
8 partnership secret? Bob Radvanovsky's the only person -- one  
9 of the only people we know of to have heard Dave and Craig talk  
10 about Bitcoin.

11 In early 2009, he was on a number of phone calls with  
12 them where they discussed their partnership to develop and  
13 create Bitcoin-related intellectual property.

14 Now, Dr. Wright's lawyers will tell you that a  
15 partnership between Dave and Craig never existed. They're  
16 going to point to the absence of a written agreement. But the  
17 law does not require a written agreement in order for a  
18 partnership to be formed.

19 And, in fact, Craig Wright admitted to having a  
20 partnership between him and Dave. He admitted they jointly  
21 mined over 1.1 million Bitcoin. And he admitted that they  
22 jointly developed intellectual property that is very, very  
23 valuable today.

24 So this leads us into the second time period: 2013 to  
25 2018. And speaking of those admissions, we've developed a

1 timeline to help walk through some of the ones that you will  
2 see presented in this case.

3 So do you-all have the timeline in front of you? If  
4 we can go to the first entry on that timeline, April 26th,  
5 2013. This is when Dave is found dead at his home in Palm  
6 Beach County, Florida.

7 We can go to the next entry, please.

8 April 30th, 2013 -- we can click into that slide --  
9 Craig sends a message to a business associate of his in  
10 Australia named Mark Ferrier. You'll hear about this  
11 Mark Ferrier later on in this case.

12 And there he writes: "Sorry. My best friend and  
13 business partner died a few days back and I'm in a class right  
14 now."

15 Back to the timeline. May 23rd, 2013. Click into  
16 that.

17 This is Craig writing that same Australian  
18 businessman, Mark Ferrier. He writes -- I'm going to read the  
19 highlighted text -- "I had Dave mine the Bitcoin overseas. I  
20 never touched the Bitcoin we created in the offshore trust."

21 If we can go to the next time.

22 January 28th, 2014, Craig's writing to a friend of his  
23 and he says: "Dave Kleiman and I started mining in 2009. So  
24 it's a shame Dave died last year before fruition, but all is  
25 moving ahead."

1           We can go back to the timeline.

2           February 12th, 2014. This is around the time period  
3 when Craig first reaches out to the family and we'll discuss  
4 that in a bit. But February 12, 2014, Craig writes to Carter  
5 Conrad and Patrick Paige, two of Dave's friends from here in  
6 Florida.

7           He writes: "Dave and I had a project in the US. He  
8 ran it there and we kept what we did secret. The company he  
9 ran there mined Bitcoin."

10           Now, you're going to see a number of documents in this  
11 case discussing mining Bitcoin. I think we discussed it a bit  
12 this morning. You're also going to hear a number of other  
13 technical terms in this case. And we're going to present an  
14 expert who's going to help explain some of the key terms.

15           But as we go through the presentation this morning,  
16 mining Bitcoin is essentially one way that you can get new  
17 Bitcoin. So when you hear that term, just think it's one way  
18 people, a person, or a group of people can get new Bitcoin.

19           Dorian, if we can go back to the timeline.

20           March 7th, 2014. This is one of the first set of  
21 communications between Craig Wright, the Defendant in this  
22 case, and Dave's brother, Ira Kleiman.

23           Craig writes: "I had math skills and some coding" --  
24 remember coding we discussed this morning -- "that, frankly,  
25 was crud, better than some, but, really, Dave could edit his

1 way through hell and back. I'm not a team player. I'm a  
2 terrible boss and slave driver, but with Dave, I was far more.  
3 Satoshi" -- remember the alias from the whitepaper -- "Satoshi  
4 was a team. Without the other part of the team, Satoshi died."

5 And later on, a little later in the day, Craig writes:  
6 "I had an idea, but it would never have been executed without  
7 Dave."

8 Dorian, if we can go back.

9 April 2nd, 2014. If we can click into this. Yes.

10 So this is an email that Craig Wright sends to his  
11 accountant, John Chesher; his lawyer, Andrew Sommer; and his  
12 wife, Ramona Watts.

13 If we read the highlighted text, he states: "Dave  
14 mined" -- remember, that's how you get Bitcoin -- "Dave mined  
15 all of this outside Australia. I was not the one doing the  
16 mining, Dave was."

17 Next slide, please.

18 April 24th, 2014. So this is another email between  
19 Craig and Ira. Craig writes: "Dave took the two million lines  
20 of code that we had in 2010 and transformed these into a  
21 documented set of over six million lines of code. I have sent  
22 the software analysis to you already" -- meaning he sent the  
23 analysis to Ira.

24 This is where -- and we will get to more documents  
25 that will talk about the code being discussed here, but this is

1 the intellectual property. There was the mining of the  
2 Bitcoin. And then there was the development of the  
3 intellectual property.

4 Dorian, if we can go to the next -- oh, so this is  
5 another communication that I mentioned earlier, May 20th, 2014.  
6 We'll discuss the full context of this email in a second.

7 But this is in response to Ira telling Craig and  
8 sharing with Craig that Thanksgiving story where he -- Dave  
9 wrote the "B." And in response to that email that we'll read  
10 in full later, Craig writes: "We did partner."

11 And go to the next slide, please.

12 August 11th, 2014. Craig tells the Australian Tax  
13 Office -- we'll get into some more of these documents in a  
14 second -- quote: There was a trust set up to put a number of  
15 Bitcoin that Dave was mining and everything like that into.

16 And Dorian, if we can just go a little slower after I  
17 read the email.

18 So September -- no. We can go back.

19 September 22nd, 2014. So here, Craig is giving a  
20 witness statement to the police department in Australia. And  
21 he writes -- he's talking about this concept of a Bitcoin  
22 exchange, and he writes: "This is an idea that I had developed  
23 with my business partner, David Kleiman, for a period of over a  
24 decade."

25 Dorian, if we could go to the next -- May 20th, 2015.

1 Let's click into that slide.

2 So here, Dr. Wright is writing to a -- this is a year  
3 later. We're into 2015 now. Here, Craig is writing to another  
4 Bitcoin enthusiast, not related to any of the parties in this  
5 case. And he writes: "In the past, David Kleiman was my best  
6 friend and business partner. He died a couple of years ago  
7 now, but as I had known him since the '90s, we have many shared  
8 secrets."

9 And, finally, June 30th, 2016, a year later after that  
10 last email exchange we looked at, Craig Wright is interviewing  
11 with somebody who was hired to write an article about him and  
12 about the creation of Bitcoin. And in that interview, he  
13 writes that his and Kleiman's Bitcoin mining activity had led  
14 to a complicated trust. This is what Craig in 2016 tells to  
15 Andrew O'Hagan, who you'll hear testify later in this trial.

16 Dorian, we can take the timeline down.

17 Thank you.

18 So if Craig admitted that they were partners, admitted  
19 that Dave was -- not only there was a partnership to mine  
20 Bitcoin, but that Dave was the one doing it, and admitted that  
21 they were jointly developed intellectual property, why does he  
22 justify not giving the estate its fair share?

23 The evidence you're going to see is going to show that  
24 Craig forged documents and contracts to show that Dave  
25 transferred everything shortly before he died.

1           So what did Craig do right after Dave died? Did he  
2 contact the family? No. Instead, the evidence is going to  
3 show that Craig Wright knew how to contact the family, but what  
4 he did instead is he --

5           Dorian, if you can put on the next slide.

6           -- three months after Dave dies, Craig files a lawsuit  
7 in Australia against that company we've talked a little bit  
8 about this morning called -- and if you see it, it's on the  
9 bottom of the page there as the Defendant -- W&K Info Defense  
10 Research, LLC.

11           W&K -- and I'm going to call it "W&K" moving forward.  
12 W&K is a company that was founded right here in Florida in 2011  
13 by Dave Kleiman to hold some of the partnership's assets.

14           And some of you might have already figured this out,  
15 but the "W" in "W&K" stands for "Wright" and the "K" stands for  
16 "Kleiman," the two best friends and business partners.

17           So why did Craig sue W&K after Dave died? Because he  
18 wanted to transfer all of W&K's assets in Florida to him and  
19 his companies halfway around the world in Australia. That  
20 explains why Craig never served the lawsuit on W&K or Dave's  
21 family.

22           Dorian, if we can go to the next slide, please.

23           Instead, he tricked the Australian courts into  
24 believing that W&K had been served. He pretended that one of  
25 his employees, Jamie Wilson, was an authorized author -- that's

1 what's highlighted on the top there -- and then he had  
2 Mr. Wilson sign documents purporting to accept service on  
3 behalf of W&K.

4 In other words, Ladies and Gentlemen, the lawsuits  
5 were a total sham. And Dr. Wright used these lawsuits filed in  
6 Australia to steal W&K's assets without alerting Dave's estate  
7 or giving them the chance to respond.

8 You're going to hear from Jamie Wilson in this case.  
9 Jamie Wilson is going to testify that right around this time,  
10 about a couple months after Dave died, all of a sudden Craig  
11 had money. His lifestyle drastically changed.

12 So having gotten this far, taking the assets from the  
13 company in Florida, family not knowing, how did he get caught?  
14 The simple answer is: He got greedy.

15 As part of these sham lawsuits, Craig claimed that he  
16 paid W&K millions of dollars for that intellectual property.  
17 But Dave never got millions of dollars. So why lie about this?  
18 Because he was trying to claim tax rebates in front of the ATO.  
19 And the ATO is going to be a term you're going to hear a lot in  
20 this case. It stands for Australian Taxation Office. It's  
21 essentially the Australian version of the IRS.

22 So this money grab turned out to be a critical misstep  
23 in his scheme as it triggered the ATO to open audits into both  
24 him and his companies.

25 To defend himself in those lawsuits, he relied on his

1 partnership with Dave and claimed that he had paid Dave for  
2 these assets. But as soon as he told the ATO this, he knew he  
3 had a problem. He knew the ATO was going to reach out to  
4 Dave's family to see if this was all true. So Craig had to get  
5 to them first.

6 So about nine months after -- more than nine months  
7 after Dave passes away, Craig reaches out to Dave and Ira's  
8 father, Louis Kleiman.

9 Dorian, if we can -- thank you.

10 In this email -- this is February on the top,  
11 February 11th, 2014. Craig writes: "Your son, Dave, and I are  
12 two of the three key people behind Bitcoin."

13 Later on: "Know also that Dave was a key part of an  
14 invention that will revolutionize the world. When I can, I  
15 will let you know much more of Dave. I will also help you  
16 recover what Dave owned."

17 As you'll see throughout this trial, there were -- his  
18 reference to "three people," there was only two people that  
19 were part of the partnership that created Bitcoin: Dave and  
20 Craig.

21 Shortly after Dave -- excuse me -- Louis Kleiman  
22 received this email, Ira took over the communications between  
23 Craig and the family. Ira is going to testify that when he  
24 heard that his brother was involved in the creation of Bitcoin,  
25 he was shocked. He's also going to testify that, at first, he

1 trusted Craig Wright, the man who said he wanted nothing from  
2 the estate. He was even excited to talk about his brother.

3 A couple weeks -- I think like a couple -- eight weeks  
4 after Craig first makes contact with the family, Ira writes to  
5 Craig this email -- I highlighted some parts, but I'm going to  
6 read the whole thing. It's dated May 20th. The date's  
7 backwards because of the Australian convention. And Ira writes  
8 and says: "I thought I would share this memory of Dave that I  
9 had. I don't recall him ever saying the word 'Bitcoin' to me.  
10 But I do have a memory where I think he told me he was working  
11 on it. We were visiting at my dad's house, I think for  
12 Thanksgiving, and I believe it was the first time he met my  
13 daughter, Jiji.

14 "We started talking about how successful Facebook had  
15 become. And I asked him if he was working on anything  
16 interesting. He told me he was making his own money. I was  
17 like: 'What? Are you making counterfeit money?' I thought he  
18 might be up to something fishy.

19 "And then he said it was digital money. And he opened  
20 up his wallet to show me something like a business card with a  
21 logo on it. But he couldn't find it so he just scribbled on  
22 the back of the card the 'B' with the line through it.

23 "He also said he was doing some work with a rich  
24 foreign guy. I replied to him saying: 'Why don't you partner  
25 with the guy. With your brains and his money, you guys could

1 create the next big thing like Facebook.'

2 "He gave me a blank look and was silent, which I  
3 thought was unusual for Dave to stop talking. Maybe he didn't  
4 want to come out and directly say that you guys were already  
5 partners.

6 "Anyway, that's the only time I recall where he  
7 mentioned this stuff to me."

8 And, Dorian, if we can go to the next slide, please.

9 Craig responds later that day: "We did partner."

10 Later on in this email, he also writes in response to  
11 Ira's memory about the logo: "I will have to see what I can  
12 dig up. The old Bitcoin logo we did is no longer used. I have  
13 a copy of it somewhere."

14 And you'll see these emails presented in the case and  
15 you'll hear both Craig and Ira talk about them.

16 So shortly after this email was sent, though, the  
17 relationship between Ira and Craig Wright began to sour. Why?  
18 Ira began to grow suspicious of Craig.

19 Right around this time, Ira gets a letter from the  
20 ATO, the one Dr. Wright knew was coming. The ATO then starts  
21 to ask Ira some very alarming questions. They ask him whether  
22 he knew that Dave had received \$40 million from Craig Wright,  
23 whether Ira knew that Craig sued this company called W&K, and  
24 whether Ira knew that Craig got a judgment against W&K  
25 transferring all of its intellectual property to Craig and his

1 company.

2 Ira was alarmed. Craig never told him about W&K. He  
3 never told him about those lawsuits. And so Ira -- and he  
4 certainly never told Ira about \$40 million. And this is when  
5 Ira begins to press Craig, starts to ask him questions about  
6 the story that Craig is telling him.

7 This is also when Craig's story starts to change.  
8 When Ira isn't buying it, he even brings in his wife, Ramona,  
9 to assure him that everything's above board, that there's  
10 nothing wrong.

11 This went on for about a year until all communications  
12 between Craig Wright and Ira ceased roughly around the middle  
13 of 2015. And so what was Craig Wright up to in 2015? He was  
14 working to cover up his theft of W&K's intellectual property.

15 You're going to see documents showing the beginning of  
16 this scheme, documents like this one. So this is an email from  
17 Craig dated June 19th, 2015. It's between him and a number of  
18 his business associates who he wanted to do a big deal with as  
19 part of this intellectual property.

20 And Craig writes: "So what I'm seeking to do is have  
21 the entity as clean and polished as I can before we start going  
22 forth. I do not want to have any challenges to the IP later on  
23 when things start to get big. I want to remove any ownership  
24 from former directors before they know what it could become, so  
25 they cannot challenge anything later."

1           So with this plan to transfer all the IP into the new  
2 entity, his lawyers started working on the paperwork, but even  
3 they had a few questions about this asset transfer from W&K to  
4 Craig and his companies.

5           We're going to see documents like this one identifying  
6 red-flag third-party issues. These are the Australian  
7 judgments and the asset transfer going from W&K to Craig's  
8 companies.

9           But ultimately, despite these red flags, the deal got  
10 done. And after that, well, Craig Wright's company started  
11 filing for hundreds of patents based on this intellectual  
12 property that he had taken from W&K and formed into this new  
13 entity despite the red-flag issues.

14           So in 2016, with this deal closed, the IP free and  
15 clear, and his problems with Ira and the family seemingly long  
16 behind him, Craig was finally ready to out himself as the  
17 creator of Bitcoin. And since then, Craig has bragged about  
18 his riches to anyone who would listen. But he's never paid the  
19 estate or anyone in Dave's family a single penny, let alone the  
20 full value of the partnership assets that he took from Dave  
21 after he died.

22           So this brings us up until 2018, when the lawsuit is  
23 filed. February 14th, 2018, Ira files this lawsuit convinced  
24 that Dr. Wright stole from the estate and tarnished his  
25 brother's legacy as one of the co-creators of Bitcoin.

1           When Craig is confronted with this evidence, Craig's  
2 story starts to change. Suddenly him and Dave were never  
3 really partners. Him and Dave never mined Bitcoin. In fact,  
4 when asked about his feelings about partnerships a year into  
5 the case, this is what Craig had to say.

6           (Video played.)

7           "Do you recall any of the emails Dave Kleiman used to  
8 receive communications about Bitcoin blockchain or Timechain  
9 technology from 2010 through 2013?

10           "I can't answer what Dave received anything on. Dave  
11 is an independent person. He was never my partner. I've never  
12 had any relationship that way with him. He was just a friend.  
13 I have never formed a partnership. I will never form a  
14 partnership. I hate the whole concept of partnership. I will  
15 never be a partner. I will never have a partner. The only  
16 partner I have is my wife. That is the formal partnership I'm  
17 in.

18           "I have never been in a partnership. I don't want to  
19 know what other people do. I don't care what other people do.  
20 I don't ask what other people do. I don't ever go into any  
21 details of what other people do."

22           (End of video.)

23           Now, ask yourself: What do each of you think  
24 triggered Craig's sudden hatred for partnerships? So it's also  
25 this period of time that the estate during this case starts to

1 learn of the full extent of Craig's fraud.

2 You're going to see a number of the emails that we  
3 will show Craig forged, emails like this one and there's a lot  
4 of text on this page so I'm going to try to walk you through  
5 what this is showing.

6 There's two exhibits being shown here, one on the left  
7 and one on the right. On the left-hand side, you will see an  
8 email that Craig Wright sent from himself to himself -- you'll  
9 see that on the top left -- on February 28th, 2014. In this  
10 email, he's drafting out --

11 MR. RIVERO: Objection, Your Honor.

12 THE COURT: And the basis?

13 MR. RIVERO: Demonstratives were supposed to be shown  
14 to both sides. This is a demonstrative that has not been shown  
15 to the Defense.

16 MR. ROCHE: Your Honor, this is two exhibits and we're  
17 highlighting the text in the two exhibits. I don't think this  
18 is a demonstrative.

19 THE COURT: We spent some time reviewing the  
20 demonstratives. And I understand that this is what the  
21 Plaintiffs expect the evidence to show.

22 But in fairness, since this email was not provided at  
23 the time that we reviewed the demonstrative, the objection is  
24 sustained.

25 Let's move on to the next one.

1 MR. ROCHE: No problem, Your Honor. Thank you.

2 Dorian, if you can take that down for now.

3 So you remember that company, W&K, that Dr. Wright  
4 sued in Australia? After the lawsuit was filed, Dr. Wright  
5 said he didn't have any connection to W&K. In 2013, though, in  
6 front of the Australian Tax Office, he said that he was a  
7 50-percent shareholder in W&K. But you'll see that he swore to  
8 this Court that he was never a shareholder of W&K after this  
9 lawsuit was filed. In front of the Australian courts, he swore  
10 that he was an authorized representative of W&K. But when this  
11 lawsuit was filed, he swore that he never exercised authority  
12 over W&K.

13 So Ladies and Gentlemen of the Jury, it is up to you  
14 to decide which version of Craig you will believe. Is it the  
15 version of Craig and his statements that he made prior to this  
16 lawsuit being filed? Or is it the version of Craig that -- and  
17 the statements he made after this lawsuit was filed, after the  
18 estate uncovered the theft of Dave's partnership assets?

19 So moving on to the second topic, the witnesses you're  
20 likely to hear from. I want to briefly discuss a few of the  
21 witnesses you're going to hear from. Later today, Plaintiffs  
22 will call their first witness, Mr. Andreas Antonopoulos.  
23 Andreas Antonopoulos is a world-renowned Bitcoin expert. And  
24 he's been in this space since 2012. In 2014, he wrote  
25 "Mastering Bitcoin," which is the world's most cited book on

1 Bitcoin. Mr. Antonopoulos is going to help you understand some  
2 of the high-level concepts that you're going to need to know  
3 about Bitcoin in this case.

4 He's going to tell you about this thing called the  
5 blockchain and how it works, how people can acquire Bitcoin  
6 through the process called mining, and he'll also provide a  
7 brief history of the development of the Bitcoin protocol. And  
8 remember, mining is the process on how the partnership acquired  
9 the 1.1 million Bitcoin.

10 After Mr. Antonopoulos, you'll hear from a number of  
11 witnesses who will testify that between 2013 and 2018, that  
12 second time period, Craig told them that he was partners with  
13 Dave. These -- the people you will hear testifying include  
14 Dave's business associates, Craig's business associates, one of  
15 the early developers on the Bitcoin protocol, and that author  
16 who was hired to publish an article on Dr. Wright.

17 You will also hear in this case from Dave's brother,  
18 Ira. Ira's going to tell you about that Thanksgiving Day story  
19 where he talked with his brother about his work and developing  
20 a new form of money and where he drew that Bitcoin logo in  
21 Thanksgiving 2009. He's also going to tell you about the  
22 initial outreach from Craig in 2014, nine and a half months  
23 after his brother, Dave, died, his initial enthusiasm for Craig  
24 and the stories Craig told him about his brother, Dave, and  
25 their eventual falling-out.

1                   Finally, you're going to hear from two witnesses in  
2 this case, Dr. Craig Wright himself, and Dr. Matthew Edman.  
3 When Dr. Wright takes the stand, I fully expect him to come up  
4 with a number of excuses for the statements he made before this  
5 lawsuit was filed. First, I'm sure he's going to deny that he  
6 ever took Dave's share of the partnership's Bitcoin. He's  
7 likely to claim that Dave kept his share of the partnership's  
8 Bitcoin on a number of devices that Dave had with him or Dave  
9 owned around the time of his death.

10                  And, Dorian -- devices like these.

11                  They're likely going to show you these drives and  
12 they're likely going to hold up a device like this and they're  
13 going to tell you that Dave's share of the Bitcoin is on either  
14 one of these devices or something that looks about this big.  
15 But this story makes no sense. If Dave's share of the  
16 partnership's Bitcoin were really on these devices, why did  
17 Craig wait more than nine and a half months to reach out to his  
18 family to tell them that there was a digital trove on these  
19 devices?

20                  You're also going to hear that Ira offered numerous  
21 times to Craig to examine these devices. Craig never took him  
22 up on that offer. Why didn't he help? Because he already had  
23 access to Dave's share of the Bitcoin. You're going to see in  
24 the emails, he admitted as much. He admitted to his wife,  
25 Ramona, for example, that he had -- him and Dave jointly shared

1 access to the Bitcoin.

2 You're probably also going to hear Dr. Wright and his  
3 team say that Dave couldn't have had a trove of Bitcoin,  
4 because when Dave died, he was struggling to pay some of his  
5 bills. But you're also going to hear that when Dave was alive,  
6 him and Craig promised each other never to touch the Bitcoin.  
7 And you're going to hear people in this trial testify that if  
8 Dave promised somebody to keep -- to not touch something, he  
9 would keep that promise, no matter the difficulty.

10 Next, you're going to hear, as was previewed this  
11 morning, that Craig Wright has been diagnosed with autism and  
12 that, because of his disorder, sometimes people misinterpret  
13 what he says. You heard Mr. Andres Rivero discuss that  
14 diagnosis this morning during the voir dire.

15 But what Mr. Rivero didn't tell you is that, prior to  
16 this lawsuit, Craig Wright was never diagnosed with autism.  
17 The first time he was diagnosed with autism was by an expert  
18 that was retained by Craig Wright's lawyers in this case, that  
19 that expert diagnosed Craig Wright with autism during a phone  
20 call that lasted less than three hours, that that expert had  
21 never even met Craig Wright before issuing his diagnosis.

22 Ultimately, each of you will have to decide whether or  
23 not that diagnosis in Craig's testimony explains away his  
24 previous admissions about the partnership; previous admissions  
25 about jointly mining Bitcoin with Dave; and his admissions

1 about the intellectual property.

2 Finally, you're going to see emails like the emails I  
3 tried to show you guys earlier, but you'll see those later in  
4 this case. There's a number of emails and contracts that the  
5 evidence will show were faked and forged by Craig Wright after  
6 Dave died. Craig is likely going to testify that he didn't  
7 write those emails, that they were placed on his computer by a  
8 hacker. But at the end of Plaintiffs' case, you're going to  
9 hear from Dr. Matthew Edman. Dr. Edman is a director in the  
10 cybersecurity and investigations practice at Berkeley Research  
11 Group. His work is relied on by large institutions and  
12 government entities, entities like the FBI.

13 Dr. Edman is going to testify that those -- many of  
14 those emails that appear to be sent by Dave are forgeries; that  
15 they were actually created after Dave died; that they were  
16 created on a computer that was in Australia; and that the name  
17 of that computer is CSW. CSW is Craig Wright's initials.

18 Ladies and Gentlemen of the Jury, you've been very  
19 patient with me this morning and I want to thank you for your  
20 time not only today, but over the coming weeks. We know your  
21 time is important. And we're all going to do our best to make  
22 sure that this trial is presented efficiently and that our time  
23 is used well.

24 I want to conclude my opening statement this morning  
25 by previewing the key issues that each of you will be asked to

1 decide after this case is over.

2                 The two key issues are: One, did Craig and Dave  
3 partner to create the Bitcoin protocol, mine a substantial  
4 number of Bitcoin, and develop intellectual property; and, two,  
5 after Dave died, did Craig take the partnership's assets  
6 wrongfully from Dave's estate.

7                 The evidence that you're going to see over the coming  
8 weeks is going to show you that the answer to both of those  
9 questions is yes.

10                 Now, when I sit down here in a moment, Craig Wright's  
11 attorney is going to come up and give Craig's opening  
12 statement. And I'm sure she's going to poke holes in the  
13 claims that the estate has brought against Craig Wright. But  
14 when you hear Craig Wright and his team testify and say today,  
15 what I want you to do is compare it to Craig Wright's actions  
16 before this lawsuit was filed; compare it to what Craig said  
17 before Ira grew suspicious of him.

18                 When you make and consider -- when you consider that  
19 evidence, it will be up to each of you to decide who is telling  
20 the truth.

21                 Thank you very much.

22                 THE COURT: All right. Thank you, Mr. Roche.

23                 Ladies and Gentlemen, do we need to take a recess or  
24 are we ready continue? Does anyone need to take a recess?

25                 All right. Then let's go ahead and take a 20-minute

1 comfort break. The court security officer will take you into  
2 the jury room. We have two restrooms in the back. And I'll  
3 see you back here in 20 minutes, at 3:15, please.

4 (Jury not present, 2:57 p.m.)

5 THE COURT: All right. I'll see you back here at  
6 3:15.

7 MR. RIVERO: Your Honor, may I raise one issue before  
8 the break?

9 THE COURT: Yes, sir.

10 MR. RIVERO: Yes. Thank you, Judge. I did not object  
11 other than on the specific demonstrative issue.

12 THE COURT: You can go ahead and have a seat, counsel.

13 MR. RIVERO: Although I believe much of the opening  
14 went far beyond what is ordinary in an opening, we didn't raise  
15 that issue.

16 But Judge, the Plaintiffs have squarely injected the  
17 relationship between Ira Kleiman and his deceased brother,  
18 including the sharing of a memory -- "I want to share a memory  
19 about my dead brother" and the Thanksgiving Day story, which  
20 there was a ruling by the Court that we could not comment on  
21 the relationship between the brothers.

22 But Judge, I think, frankly, this is only the opening  
23 saga. Their intention is -- and I think the Court will see  
24 already, their intention is to build up that relationship to  
25 increase the credibility of Ira Kleiman as to the only evidence

1 during David Kleiman's lifetime that he ever said anything to  
2 anyone about this supposed partnership.

3 My request to the Court is that we should be permitted  
4 to comment on and bring out evidence about the credibility of  
5 that relationship and those statements.

6 MR. ROCHE: Your Honor, may I respond?

7 THE COURT: Mr. Roche?

8 MR. ROCHE: I don't have Your Honor's motion in limine  
9 ruling in front of me, but I've read it many times. Your  
10 ruling stated that what was excluded was everything that  
11 happened after the Thanksgiving dinner.

12 I was very careful in my opening to only reference  
13 Dave, the individual, and that Thanksgiving dinner. We did not  
14 open the door to anything discussing Ira and Dave's  
15 relationship. Certainly nothing after 2009.

16 THE COURT: All right. Well, let me state what's  
17 elementary, and that is this is an opening statement. This is  
18 not the evidence in the case. I'm certainly not going to  
19 address any anticipated intentions.

20 With regard to opening the door, we will address it at  
21 the time that the door is actually opened.

22 MR. RIVERO: Thank you, Your Honor.

23 THE COURT: I'll see you back here at 3:15.

24 (Recess from 3:00 p.m. to 3:13 p.m.)

25 THE COURT: All right. Welcome back.

1           Is there anything we need to address before we bring  
2 the jurors back?

3           On behalf of the Plaintiffs?

4           MR. ROCHE: No, Your Honor.

5           THE COURT: The Defendant?

6           MR. RIVERO: No, Your Honor.

7           (Before the jury, 3:13 p.m.)

8           THE COURT: All right. Welcome back, Ladies and  
9 Gentlemen of the Jury.

10          Please be seated.

11          We'll proceed with the Defendant's opening statement.

12          MS. MCGOVERN: Thank you, Your Honor.

13          May it please the Court. And you, Ladies and  
14 Gentlemen of the Jury.

15          In this case, you are going to meet a genius. He's  
16 not a genius in all things, in all areas of his life, but he is  
17 a genius in one. He created something that changed the world:  
18 The invention of Bitcoin. To the world, the inventor of  
19 Bitcoin is known as Satoshi Nakamoto. In fact, that man is  
20 Dr. Craig Steven Wright and he's sitting right here.

21          You might discover in this trial and, in fact, I  
22 believe Plaintiffs' counsel has even suggested, that sometimes  
23 geniuses can be difficult to get along with and to understand.  
24 Their speech patterns, their behaviors, their outlooks in life  
25 may same strange to us, different from us.

1           You will discover -- you will hear Dr. Wright. You  
2 will hear him testify. You'll observe him. He may be  
3 perceived as rigid or rude because he tends to understand the  
4 question that you're asking as he believes the question to be,  
5 as he interprets the question, in a manner particular to him.  
6 But to properly decide this case, Ladies and Gentlemen, a jury  
7 must first understand this man. And it will be my job to help  
8 you understand this man.

9           You will hear expert testimony from Dr. Ami Klin  
10 explain his observations of Dr. Wright's behavior, what the  
11 autism spectrum disorder is, and how it impacts the  
12 interpersonal skills of a highly intelligent person like  
13 Dr. Wright.

14           You will hear in this trial that autism is not an  
15 excuse for anything. That is not the position Dr. Wright is  
16 taking in this case, contrary to what you have just heard.  
17 Understanding autism will help you be objective in assessing  
18 the facts of this case, putting aside any subjective  
19 perceptions that you may have of Dr. Wright's mannerisms or the  
20 way he portrays himself.

21           Every single case is a story. And we must wait for  
22 the whole story before we can form a conclusion on what  
23 actually happened. This story, Ladies and Gentlemen,  
24 represents the difference between friendship and partnership.  
25 Pay attention to Plaintiffs' theory of this case, which was

1 right here, and certain exhibits that they showed you. Pay  
2 attention to the evidence in this case.

3 The very first entry of the timeline --

4 Mr. Shah, could you bring that up.

5 The very first entry of the timeline in this case, the  
6 beginning of the story in this case, is the death of  
7 Dr. Wright's best friend, Dave Kleiman, on April 26th, 2013.  
8 According to Plaintiffs, that's when this case begins. There  
9 was an easel with some written time frames. One was 2008 till  
10 2013. One was 2013 to 2018. And another 2018 to today.

11 What matters in this case is what happened during Dave  
12 Kleiman's life from 2 -- actually before 2008. They don't even  
13 talk about before 2008.

14 Ladies and Gentlemen of the Jury, there will be  
15 nothing you will hear in this case and nothing that you saw on  
16 the whole timeline that represents a conversation between  
17 Dr. Wright and Dave Kleiman to form a partnership to invent  
18 Bitcoin and mine Bitcoin.

19 There is nothing you will see in this case that  
20 demonstrates Dave Kleiman's contribution to the invention of  
21 Bitcoin intellectually or financially. And there's nothing you  
22 will hear in this case and nothing on Plaintiffs' timeline --  
23 and this is probably the most important thing to think about  
24 for the next couple weeks -- that even remotely suggests that  
25 David Kleiman -- David Kleiman, not Ira Kleiman -- David

1 Kleiman, during his lifetime, said one negative thing about his  
2 friend, Dr. Wright, made one accusation against Dr. Wright,  
3 claimed that he was a liar, a thief, a forger. Not once, Jamas  
4 en la vida, remember that, Ladies and Gentlemen, to anyone for  
5 anything.

6 Let's talk about the second category of the case that  
7 was read here on the easel, the witnesses: Patrick Paige,  
8 David Kleiman's best friend and business partner; Carter  
9 Conrad, business partner and best friend; Kimon Andreou, best  
10 friend, saw him every day in the hospital. Not once, to anyone  
11 ever.

12 Instead, Ladies and Gentlemen, the evidence will show  
13 this is a case that Ira Kleiman built after Dave Kleiman died.  
14 You will hear that Dr. Wright and Dave Kleiman formed a special  
15 friendship, even though it was for the most part a virtual or  
16 online one.

17 The evidence will demonstrate, however, that David  
18 Kleiman never claimed something that he was not, in fact,  
19 entitled to claim as his own. He was proud. He was honest.  
20 They were friends.

21 And the evidence is undisputed, Ladies and Gentlemen,  
22 that Dave Kleiman never even suggested, not once, that he had a  
23 partnership with Dr. Wright to invent Bitcoin and to mine  
24 Bitcoin. That is a marker in this case. That's a marker in  
25 this case. It will not come forward as evidence. You saw the

1 line on the easel. This is a case about time frames,  
2 witnesses, and evidence. There will be no evidence that Dave  
3 Kleiman during his lifetime claimed he had a partnership with  
4 Dr. Wright to invent Bitcoin and to mine Bitcoin.

5 What's the full story behind Dr. Wright and Bitcoin?  
6 To understand Dr. Wright's relationship with David Kleiman, you  
7 will first need to hear from Dr. Wright. He will describe his  
8 childhood. He will tell you that he grew up in a very  
9 dysfunctional home. He was deeply lonely. He was considered  
10 strange, even by his own sister. No one understood him except  
11 for his grandfather, who was very much like him.

12 He had few friends growing up. And except for his  
13 wife, he has few friends now. He's been -- at 13, he wore a  
14 Ninja outfit to a playground and all the other kids called him  
15 a freak. And he's been treated much like a freak virtually to  
16 this day.

17 You'll hear him testify that his primary refuge was  
18 mathematics, which became an intellectual obsession. Almost no  
19 one could understand what his obsession was and certainly very  
20 few could tolerate it. Not just in serious parts of  
21 Dr. Wright's life, like this trial, but in all situations. It  
22 is difficult for Dr. Wright to interact with other people the  
23 way we do.

24 You will hear in this trial that this man does not  
25 have the skill of moderation in intensity or concentration. He

1 comes across as wanting to be the most -- the smartest man in  
2 the room.

3 He will testify that he is devastated and hurt by Ira  
4 Kleiman's allegations against him. Allegations of betrayal by  
5 Dr. Wright of one of the few friends he was able to keep, David  
6 Kleiman, however strange that friendship might seem to us.

7 Dr. Wright will explain his invention, why it remains  
8 his obsession. You will hear Dr. Wright explain that much like  
9 the inventor himself, his invention is misunderstood. You will  
10 hear Dr. Wright talk about the devastating impact of Silk Road  
11 and how, to this day, Bitcoin being misunderstood as a tool to  
12 protect the anonymity of the party using Bitcoin to engage in  
13 illegal acts like money laundering and child pornography,  
14 something very near and dear to Dr. Wright's heart, and you  
15 will hear about that.

16 You will, of course, need to know more about  
17 Dr. Wright than his emotional life. You will need to hear  
18 about Dr. Wright's invention that changed the world and how he  
19 invented it. Dr. Wright will testify that the invention began  
20 with his obsession over transaction fees, the enormous  
21 transaction fees that are incurred in sending even a small  
22 amount of money. Imagine that you are not close to your bank  
23 and you need to take money out of an ATM. It can cost up to \$3  
24 just to take out 20. That's 15 percent of your money just to  
25 get it out of the bank.

1           This invention changed all that. It is a profound  
2 revolution in that sense for all people, all over the world.  
3 It's an invention, as you will hear Dr. Wright tell you, that  
4 comes from years of studying of seemingly disconnected  
5 concepts, like math, game theory, economics, law, philosophy,  
6 theology and accounting. And it creates a publicly available  
7 platform to transact business on the smallest scale for less  
8 than one cent.

9           The evidence will show that Dr. Wright pursued with  
10 passion the study of all of these areas and that Dave Kleiman  
11 did not. The Bitcoin blockchain is an open platform on the  
12 Internet for all to see, that uses digital cash to transact  
13 business in amounts as small as one cent for less than one  
14 cent.

15           Imagine you're at the Dollar Store, and some -- and a  
16 loved one wants to buy that perfect purple blanket. You can do  
17 that with Bitcoin without large fees.

18           It's revolutionary because this invention allows  
19 everyone, corporate giants, small businesses, wealthy  
20 individuals and people who struggle on less than five dollars a  
21 day, to send digital cash without expensive bank fees, without  
22 traditional limitation on minimum amounts, but most of all,  
23 with complete transparency right on the Internet.

24           The evidence will show that this invention is a form  
25 of transparent accounting. Anyone can go on the Internet and

1 see a transaction in near real-time. And trustworthy. The  
2 entire premise of the invention is that competition in the use  
3 of the blockchain keeps accounting honest.

4 Bitcoin is grounded in the system that requires a  
5 proof of work for each coin mined. At the root is effort.  
6 It's like a math exam when the teacher takes off points if the  
7 proof of work is not demonstrated. All transactions have to be  
8 one hundred percent accurate in order to create or earn a coin.

9 Dr. Wright will explain that the Bitcoin blockchain  
10 does just that. And he will testify that the blockchain in its  
11 simplest form is a publicly viewable ledger or record. If a  
12 single Bitcoin moves or is transacted, you can see it. Even if  
13 a fraction of a Bitcoin moves, you can see it.

14 All you need to do is go on the Internet, load any  
15 Bitcoin blockchain, explore, and you can see every single  
16 public address, every single transaction, every single  
17 transportation ID. You can trace all mining transactions and  
18 movement of Bitcoin. Indeed, you cannot send or transact a  
19 Bitcoin without leaving a trace.

20 Transactions are confirmed by nodes or miners to  
21 ensure there's no double-spending of coins. Imagine someone  
22 writing a bad check. On the blockchain, the person writing  
23 that bad check is known. Everyone knows the check is bad right  
24 away.

25 These protocols are intended to create a system of

1 transactions that's open and secure. The blockchain does not  
2 typically show who made the transaction or who owns or controls  
3 the Bitcoins, but the parties to the transactions are aware of  
4 one another, which means that the Bitcoin transactions are not,  
5 in fact, anonymous. Dr. Wright will further explain that when  
6 the Bitcoin blockchain was publicly released in 2009, January  
7 2009, every single one of the 21 million Bitcoins that exist  
8 were created.

9 Dr. Wright could have kept a bunch of Bitcoin for  
10 himself then, but he didn't. Instead, he ensured that those  
11 who helped keep the blockchain running and accurate would  
12 receive an incentive for their work.

13 It's called mining. It's -- the true genius of the  
14 invention of Bitcoin is the use of mining to maintain the  
15 blockchain. Bitcoin mining is the use of computer power to  
16 solve mathematical equations and keep the blockchain running.

17 In the beginning, the miner that first solved the  
18 equation was paid with 50 Bitcoins for its success in keeping  
19 the blockchain running.

20 One thing that miners do is they bring the 21 million  
21 Bitcoin out into the light a few at a time. The payment is the  
22 distribution of mined Bitcoin.

23 Now, let's talk about nodes. A node is a computer or  
24 a group of computers that runs the Bitcoin software and helps  
25 to keep Bitcoin running by participating in the relay of

1 information and confirming the transaction, confirming it's  
2 valid.

3 At the beginning of Bitcoin, you could run a node.  
4 Anyone could run a node. All you needed to do was download the  
5 Bitcoin software for free and leave a certain port open. The  
6 drawback is that it consumed energy and computer memory storage  
7 space. Even to this day, nodes spread Bitcoin transactions  
8 around the network and miners run nodes.

9 How do they mine? By confirming all the transactions  
10 and competing to solve a mathematical puzzle. That is part of  
11 the Bitcoin program. The first miner to solve the puzzle  
12 announces its victory to the rest of the network. All the  
13 other miners immediately stop work on that block, confirm the  
14 proof of work and solving the puzzle was accurate and start  
15 trying to figure out the mystery for the next one. Mining was  
16 essential to the implementation of Bitcoin.

17 After Dr. Wright invented Bitcoin, he mined Bitcoin on  
18 behalf of one of his companies in Australia. And Dr. Wright  
19 asked everyone he could to mine. He asked his uncle; his  
20 sister; his church; his friend, Hal Finney.

21 In stark contrast, the evidence will demonstrate that  
22 Dave Kleiman never asked anyone to mine, ever. In fact, the  
23 evidence will demonstrate that David Kleiman never even talked  
24 about mining Bitcoin to anyone.

25 You will recognize from Dr. Wright's explanation of

1 what Bitcoin is, and how it was designed, that only a genius  
2 could invent it. Dr. Wright will testify that this concept for  
3 the Bitcoin blockchain was first laid out in what is called the  
4 Bitcoin Whitepaper. Dr. Wright wrote the Bitcoin Whitepaper  
5 summarizing his invention of Bitcoin. Then you know what he  
6 did? He distributed it to the world for free.

7 You heard Plaintiffs' counsel refer to the  
8 distribution of the Bitcoin Whitepaper on October 31st, 2008.  
9 Dr. Wright distributed the Bitcoin Whitepaper on October 31st,  
10 2008 to the world for free.

11 Pay attention to the evidence in this case. There is  
12 not a single communication between Dr. Wright and David Kleiman  
13 that reflects a partnership between them on the invention of  
14 Bitcoin, on the Bitcoin Whitepaper, or on the distribution of  
15 the Bitcoin Whitepaper to the world.

16 Where is the partnership agreement? Where is the  
17 evidence that shows the terms of the partnership between them?  
18 There's not a shred of evidence, not a single piece of paper  
19 outlining the terms of a partnership.

20 Now, the second vital element of the invention of  
21 Bitcoin is the Bitcoin code. You will hear testimony that the  
22 Bitcoin code was largely written before the whitepaper was  
23 distributed on October 31st, 2008. Dr. Wright developed the  
24 Bitcoin code. Again, what did he do? In January 2009,  
25 Dr. Wright distributed the Bitcoin code to the world for free.

1 Think about that. The invention that has caused us to be here  
2 today was distributed to the world by Dr. Wright.

3 Again, on the timeline, Ira Kleiman has not included a  
4 single communication between Dr. Wright and David Kleiman that  
5 reflects any work by Dave Kleiman on the code before its  
6 distribution to the world in January 2009.

7 There's not a single communication between Dr. Wright  
8 and Dave Kleiman that reflects a partnership between them on  
9 the Bitcoin code. No partnership agreement, not a single piece  
10 of paper outlining the terms of a partnership.

11 In this trial, you will hear Dr. Wright talk about the  
12 origin of this invention, how he worked on it tirelessly for  
13 years, how it is his obsession and, yes, as Plaintiffs allude  
14 to, how he became entangled in the Australian Tax Office, which  
15 is like the IRS here in the United States.

16 You will see that the Australian Tax Office hated his  
17 invention, tried to crush it with punitive tax measures, and  
18 how Dr. Wright's friend, David Kleiman, supported Dr. Wright  
19 and cheered him on when no one else would.

20 At the heart of this case is a single theory. Ira  
21 Kleiman comes to you in the shoes of David Kleiman asking for  
22 an award against Dave Kleiman's friend, Dr. Wright, based on  
23 the claim that Dr. Wright referred to Dave Kleiman as his  
24 partner. That's it. Calling Dave Kleiman partner.

25 In the words of Abraham Lincoln, one of my favorite

1 quotes of all time -- I use it all the time with my children --  
2 "Calling a tail a leg doesn't make it a leg." The dog still  
3 has four legs.

4 Calling someone your partner doesn't necessarily make  
5 them a legal partner for all purposes. What we call each other  
6 doesn't mean all things for all purposes. We call each other  
7 lots of things, mi socio, hermano, bro, in lots of different  
8 contexts and for lots of different reasons without concern that  
9 one day someone will use those words to create a legal  
10 obligation beyond the context in which they were meant. The  
11 term "partner" will have many different meanings, depending on  
12 the circumstances in which this is used.

13 Dr. Wright will explain each and every one of those  
14 statements that Plaintiff chooses to put on his timeline.  
15 There's no written partnership between Dr. Wright and Dave  
16 Kleiman for the invention of Bitcoin, for the mining of  
17 Bitcoin. There are no communications between them during the  
18 critical period of time coming up with the invention, writing  
19 the invention, working on the code, distributing both of them.  
20 Nothing. Nada.

21 There are two exceptions. There are two exceptions  
22 that we'll show. In February 2011, over two years after  
23 Dr. Wright invented Bitcoin, distributed the whitepaper and the  
24 code to the world, Dave Kleiman created a Florida limited  
25 liability company called W&K. In February 2011, Dave Kleiman

1 created that entity with Dr. Wright's former wife, Lynn Wright,  
2 in one of Dr. Wright's Australian entities called Information  
3 Defense Party Limited.

4                 The corporate mission was to do work with the  
5 Department of Homeland Security. You'll hear Lynn Wright  
6 testify. She was there. She will testify regarding the  
7 creation of W&K. She will explain that she worked with Dave  
8 Kleiman on creating the entity and the name. And contrary to  
9 Plaintiffs' counsel's statement earlier today, the "W" stood  
10 for Lynn Wright the "K" stood for Dave Kleiman, and Information  
11 Research Defense stood for Information Defense Party Limited,  
12 the Australian entity.

13                 When Dr. Wright referred to Dave Kleiman as his  
14 business partner in 2013, 2013 --

15                 Mr. Shah, could you pull up that second entry on the  
16 timeline.

17                 -- Dr. Wright will explain -- 2013. So David Kleiman  
18 dies on April 26th, 2013. That's the first entry in their  
19 case. That's when it all begins. And you know why it all --  
20 you know what breathes air into that hot balloon? This one:  
21 "My best friend and business partner died a few days back."

22                 Pay attention to the evidence, Ladies and Gentlemen.  
23 This is a case that Ira built. Ira Kleiman is going to tell  
24 you what he believes Dr. Wright meant by that statement.  
25 Dr. Wright is going to testify what he meant by that statement.

1           But let's go back to the historical facts of the case.  
2 Dr. Wright will explain that when he is referring to the work  
3 he tried to do through one of his Australian entities with W&K,  
4 and later in an Australian entity in which David Kleiman was to  
5 have a role called Coin-Exch., in both instances, Dr. Wright  
6 referred to Dave Kleiman as his business partner, had documents  
7 drawn up establishing a formal business relationship and acted  
8 accordingly.

9           There's a difference in this case with respect to that  
10 partnership, that business relationship and the business  
11 partnership Ira Kleiman asks you to draft today for the  
12 invention of Bitcoin and mining of Bitcoin. Big difference.  
13 And it's going to depend on conflating, confusing,  
14 bait-switching, the use of the term "partner" and what  
15 Dr. Wright meant.

16           The evidence will show that W&K, contrary to  
17 Plaintiffs' statement earlier today regarding the intellectual  
18 property of W&K, stating without reference or evidence that  
19 that intellectual property has tremendous value -- the evidence  
20 is not going to show that. Unfortunately, the evidence is not  
21 going to show that. Dr. Wright would be no happier if  
22 Coin-Exch. had taken off like a hot balloon, but it didn't. It  
23 didn't launch. The evidence will show that W&K was not able to  
24 accomplish its corporate mission because Dr. Wright was very  
25 busy and Dave Kleiman was very sick, very sick. We're going to

1 be asking Ira Kleiman about that.

2           Nonetheless, Dr. Wright did -- even though W&K did not  
3 amount to anything of value, Dr. Wright did what a partner in a  
4 partnership would do. He turned the shares of Coin-Exch. to  
5 Dave Kleiman's family after Dave Kleiman died.

6           We're going to go into all of those communications  
7 between Dr. Wright and Ira Kleiman, where Dr. Wright tirelessly  
8 tried to convey what he wanted to convey of Dave Kleiman's in  
9 Coin-Exch. to his brother, Ira Kleiman. And you will learn why  
10 that never came to fruition, but it was not at the fault of  
11 Dr. Wright.

12           We will get into all of those communications, but I'd  
13 like that communication and that evidence to come to you, not  
14 through any argument, but to come to you through evidence.  
15 Needless to say, the evidence will show Dr. Wright and  
16 Dr. Wright's wife, Ramona Watts -- you will see her testify.  
17 She'll be here in court. She, too, will explain the efforts  
18 they took to try to convey the interest of Dave to Ira Kleiman,  
19 who was not interested because he didn't want to have to pay  
20 tax.

21           Note the evidence well. Throughout the time that  
22 Dr. Wright knew Dave Kleiman, through the creation of Bitcoin,  
23 the distribution of the Bitcoin Whitepaper, and the Bitcoin  
24 code, and Dr. Wright's mining of Bitcoin, the behavior of  
25 Dr. Wright and Dave Kleiman, that first entry, 2008 to 2013,

1 you will see the communications between Dr. Wright and Dave  
2 Kleiman. There will be no question in your mind what they  
3 were, in fact, doing and what, in fact, they were not doing  
4 together. Pay attention to those communications, Ladies and  
5 Gentlemen.

6 Significantly, the evidence will show that in forming  
7 W&K in 2011, there was no effort by Dave Kleiman to include any  
8 reference to any other partnership the two of them may have had  
9 before that. None.

10 The evidence will show that Dave Kleiman died without  
11 ever bragging to anyone, boasting to anyone or even celebrating  
12 with anyone that he was, in fact, entitled to anything from  
13 Dr. Wright.

14 The way Dr. Wright felt about Dave Kleiman cannot be  
15 overlooked in understanding the friendship between the two of  
16 them. Dr. Wright will testify about what David Kleiman meant  
17 to him during his life and to this day. And Dr. Wright will  
18 utter no harsh words nor make any demeaning remarks about his  
19 friend, Dave Kleiman. Dr. Wright loved Dave Kleiman. Probably  
20 more than Dave Kleiman ever knew.

21 The evidence will also demonstrate that Dave Kleiman  
22 was in awe of Dr. Wright, perhaps more than Dr. Wright ever  
23 appreciated.

24 You will hear Dr. Klin testify that the emotional  
25 appeal of Dave Kleiman for Dr. Wright eliminated, in large

1 part, the difficult part of Dr. Wright's life, the inability to  
2 relate to ordinary people face-to-face.

3 Pay close attention, Ladies and Gentlemen, to what  
4 evidence you do not hear or see in this case. Pay close  
5 attention to what Dave Kleiman did not say, did not do during  
6 his lifetime. Dave Kleiman's statements and actions during his  
7 lifetime will never support the claims that Ira Kleiman's  
8 brother -- that David Kleiman's brother makes against  
9 Dr. Wright after Dave Kleiman's death.

10 You will not hear Dave Kleiman during his lifetime  
11 ever say a negative word about Dr. Wright to anyone, not to his  
12 trust and estates lawyer. He had a trust and estates lawyer.  
13 Not once did he ever say anything to his family friend and  
14 trust and estates lawyer, Joseph Karp -- anything about  
15 Dr. Wright owing him, having a partnership with him, being  
16 entitled to assets that Dr. Wright had. His trust and estates  
17 lawyer.

18 Not to his accountant. His accountant will testify  
19 that David Kleiman never said one thing in connection with  
20 preparing the tax returns about the partnership to invent  
21 Bitcoin, to mine Bitcoin and the incredibly valuable  
22 intellectual property assets that apparently they had in  
23 partnership, his accountant, the same accountant that was the  
24 accountant for the business that he had with two of his  
25 friends, not once, ever, to anyone.

1                   The evidence will show that during his life Dave  
2 Kleiman's friendship with Dr. Wright was free of argument, free  
3 of accusation, and free of claim of theft or fraud.

4                   It's ironic, really, what can happen after death.  
5 Dave Kleiman is not here to defend or deny Ira Kleiman's  
6 attacks of theft against Dr. Wright, a man Dave Kleiman  
7 referred to as his Google, his genius.

8                   Even though David Kleiman is not here, there will be  
9 no evidence that David Kleiman ever made the allegations  
10 against Dr. Wright that Ira Kleiman is making here.

11                  Dr. Wright will testify how important this case is to  
12 him. It's not important to him simply because the Plaintiffs  
13 are asking for half of every single effort Dr. Wright -- every  
14 single thing he's achieved, every single idea he's had in his  
15 life. Dr. Wright will testify that this case is important to  
16 him because it is about his friend, Dave Kleiman. It's  
17 important to him because Ira Kleiman is asking to speak for  
18 Dave Kleiman against Dr. Wright.

19                  You will hear from the evidence that Dr. Wright's not  
20 the only person Ira Kleiman has sued in Dave Kleiman's name.  
21 You will hear -- the evidence will show that Ira Kleiman also  
22 sued Dave Kleiman's other two friends, Carter Conrad and  
23 Patrick Paige, in his quest for Bitcoin. Ira Kleiman now  
24 accuses Dr. Wright of stealing from Dave Kleiman, his best  
25 friend.

1 I ask you to keep in mind in this trial as you hear  
2 the testimony of Dr. Wright speak about his friend, Dave  
3 Kleiman, whether the evidence supports Ira Kleiman's claim that  
4 Dr. Wright stole from Dave Kleiman.

5 We've seen it today and you're going to hear it over  
6 the course of this trial. The Plaintiffs are going to spend a  
7 lot of time presenting evidence that will distract and hide  
8 from the key question in this case about partnership. Their  
9 evidence will focus on alleged allegations of documents, of  
10 forgeries, of alterations, and insinuate, if not flat-out  
11 accuse Dr. Wright, of being a forger and a thief because of  
12 statements and actions that Dr. Wright took with the Australian  
13 Tax Office.

14 The evidence will not show that Dr. Wright and David  
15 Kleiman formed a partnership to invent and mine Bitcoin, which  
16 is the claim we are here on today to decide.

17 Dr. Wright, you will learn, focuses on his work like  
18 an obsession. You will also learn that Dr. Wright is very  
19 literal in ways that might seem absurd. As his wife will  
20 explain, if she asks him to help with a household task like  
21 turning on the oven, he'll say: "Sure, yes." And then later  
22 if you ask him: "Why didn't you turn on the oven," he'll say:  
23 "Well, you asked me if I could turn on the oven, not whether I  
24 did."

25 It can be infuriating that the question that you ask

1 is not necessarily or fully understood by Dr. Wright to be the  
2 question you are asking. Dr. Wright's literalness can lead to  
3 misunderstandings that typical people probably would not have.  
4 But as you will learn, Dr. Wright is not doing this  
5 contemptuously. He's not doing it on purpose. The behavior,  
6 in fact, is common in obsessive people on the autistic  
7 spectrum.

8 It's important to remember that this case must be  
9 decided on the facts, what happened during Dave Kleiman's  
10 lifetime, what Dave Kleiman never said about Dr. Wright to  
11 anyone. The case cannot be decided or judged, as Plaintiffs  
12 hope you will do -- it cannot be judged on the man, this man,  
13 the man who invented Bitcoin, because of the way he might come  
14 across, because of the way he answers questions. Look at the  
15 story, the actual story based on the historical facts during  
16 Dave Kleiman's lifetime.

17 Dave Kleiman. The evidence will show that Dave  
18 Kleiman and Dr. Wright met online through emailing and lists  
19 and chat rooms in which they were both participants. They  
20 shared many interests. You will hear Dr. Wright testify that  
21 he couldn't believe a guy like Dave Kleiman, whom everyone  
22 liked, liked him. They developed a friendship where they would  
23 speak online through chats or Skypes or Skypes or video calls.

24 Sometimes they would speak three or four times a week,  
25 but sometimes they would go three or four months without

1 talking because Dr. Wright was busy and Dave Kleiman was sick.

2 Dr. Wright was hot tempered and Dave Kleiman was not.

3 They balanced each other out. When no one else believed in

4 Dr. Wright's vision, Dave Kleiman did. And when no one else

5 tried to understand Dr. Wright, Dave Kleiman did. But

6 Dr. Wright didn't know much about Dave Kleiman's personal life.

7 And you will hear about why that is so. There are nefarious

8 things that Plaintiffs' counsel is trying to infuse in the

9 absence of that understanding of Dave Kleiman's life, but it

10 was real simple: Dave Kleiman never talked about it.

11 Dr. Wright will testify that after Dave Kleiman died, one of

12 Dr. Wright's employees tracked down an email address to Dave

13 Kleiman's father. You saw the email.

14 Dr. Wright will testify that he contacted Dave

15 Kleiman's father, letting him know how important Dave

16 Kleiman -- how important his emotional support had been to him

17 in the development of Bitcoin.

18 THE COURT: Two more minutes, Ms. McGovern.

19 MS. MCGOVERN: You will also learn that Dave Kleiman

20 helped Dave Kleiman -- that Dave Kleiman helped Dr. Wright --

21 helped Dr. Wright through the very stressful period of the

22 Australian Tax Office.

23 One thing with respect to theft that we must keep in

24 mind: Ira Kleiman claims that Dr. Wright stole from Dave

25 Kleiman after Dave Kleiman died. The evidence will show,

1 however, that if anyone acted improperly or recklessly after  
2 Dave Kleiman's death, it was Ira Kleiman.

3 The evidence will show that shortly after Dave  
4 Kleiman's death, Ira Kleiman threw out all of Dave Kleiman's  
5 work papers because they were seemingly meaningless. The  
6 evidence will also show that after Dave Kleiman died, Ira  
7 Kleiman found electronic devices in Dave Kleiman's home.

8 These electronic devices -- you saw a picture of them  
9 very briefly and it was taken down -- are very important for  
10 two reasons: First, Dave Kleiman worked in computer forensics.  
11 It's only logical that Dave Kleiman kept information about his  
12 life and his work on those electronic devices.

13 What did Ira Kleiman do after he received those  
14 electronic devices? The evidence will show that Ira Kleiman  
15 wiped clean data on Dave Kleiman's hard drives by reformatting  
16 them. And then continued to overwrite data by using the  
17 devices for his own use for well over a year after he filed  
18 this lawsuit. Think about that. Dave Kleiman's life wiped out  
19 just like that.

20 The evidence will show that Dr. Wright warned Dave  
21 Kleiman's father in February of 2014 to maintain Dave Kleiman's  
22 devices because they may contain important information, not in  
23 a partnership, but what Dave Kleiman might have had  
24 individually. You will learn that Dr. Wright told Dave  
25 Kleiman's father what type of file to look for, wallet.dat.

1 Think about that, Ladies and Gentlemen. Is that what a thief  
2 would do?

3 I only have a few more minutes, so I'd like to just  
4 summarize, if I may, if Your Honor can indulge me for one  
5 second.

6 Keep an open mind when you hear the questions  
7 Plaintiffs ask Dr. Wright. The questions being asked will be a  
8 distraction from what you will never see in this case.

9 There will be no evidence that David Kleiman  
10 contributed to the development of Bitcoin.

11 There will be no evidence that David Kleiman formed a  
12 partnership with Dr. Wright for the purpose of creating or  
13 developing Bitcoin.

14 There will be no evidence that David Kleiman made a  
15 single financial contribution to the invention of Bitcoin.

16 There will be no evidence that Dave Kleiman during his  
17 lifetime ever claimed entitlement to anything that Dr. Wright  
18 invented, developed or Bitcoin that Dr. Wright invented,  
19 developed or Bitcoin that Dr. Wright mined through companies.  
20 Not to anyone ever.

21 THE COURT: That's time, Ms. McGovern.

22 MS. MCGOVERN: Thank you, Ladies and Gentlemen.

23 THE COURT: Ladies and Gentlemen, before we begin the  
24 testimony, let me set forth the claims and defenses in a brief  
25 overview of the burden of proof that the parties have.

1           The Plaintiff, Ira Kleiman, on behalf of the estate of  
2 David Kleiman, alleges the following claims for relief against  
3 the Defendant, Mr. Wright: Breach of fiduciary duty, breach of  
4 partnership, civil theft, conversion, unjust enrichment, fraud,  
5 and constructive fraud.

6           Plaintiff W&K alleges the following claims against the  
7 Defendant, Mr. Wright: Breach of fiduciary duty, civil theft,  
8 conversion, unjust enrichment, fraud, and constructive fraud.

9           As I stated, Dr. Wright denies the allegations and he  
10 has asserted the affirmative defenses of the statute of  
11 limitations and latches.

12           The Court will be instructing you on the law as we get  
13 to the end of the trial. However, it is important that you  
14 know that as to most of their claims, the Plaintiffs have the  
15 burden of proving their case by what the law calls a  
16 preponderance of the evidence.

17           That means that they must prove that in light of all  
18 the evidence, what they claim is more likely true than not.

19           So if you could put the evidence favoring the  
20 Plaintiffs and the evidence favoring the Defendant on opposite  
21 sides of balancing scales, the Plaintiffs need to make the  
22 scales tip to their side. If the Plaintiffs fail to meet this  
23 burden, you must find in favor of the Defendant.

24           The Plaintiffs also bring claims for civil theft.  
25 Those claims require a higher burden of proof that I will

1 instruct you later.

2 To decide whether any fact has been proved by a  
3 preponderance of the evidence, you may, unless I instruct you  
4 otherwise, consider the testimony of all witnesses regardless  
5 of who called them, and all exhibits that the Court allowed  
6 regardless of who produced them.

7 After considering the evidence, if you decide a claim  
8 or a fact is more likely true than not, then the claim or fact  
9 has been proved by a preponderance of the evidence.

10 As I stated, sometimes a party has the burden of  
11 proving a claim by clear and convincing evidence. This is a  
12 higher standard of proof than proof by a preponderance of the  
13 evidence. It means the evidence must persuade you that the  
14 claim is highly probable or reasonably certain. This is the  
15 standard that applies to Plaintiffs' civil theft claims. The  
16 preponderance of the evidence standard applies to the  
17 Plaintiffs' other claims.

18 On the affirmative defenses, the Defendant has the  
19 burden of proving the elements of the affirmative defenses by a  
20 preponderance of the evidence, and I will instruct you at the  
21 end of the trial the elements that the Defendant must prove for  
22 the affirmative defenses.

23 After considering all of the evidence, if you decide  
24 that the Defendant has successfully proven the required facts  
25 that are more likely true than not, then the affirmative

1 defense has been proven.

2                   Ladies and Gentlemen, at this point in time, we will  
3 continue and we will begin the testimony in this case.

4                   On behalf of the Plaintiffs.

5                   MR. ROCHE: Your Honor, Plaintiffs would like to call  
6 their first witness, Mr. Andreas Antonopoulos.

7                   THE COURT: Good afternoon, sir.

8                   (Pause in proceedings.)

9                   THE COURT: Sir, I'm going to ask that you remain  
10 standing, raise your right hand to be placed under oath.

11                  ANDREAS M. ANTONOPOULOS, PLAINTIFF WITNESS, SWORN

12                  COURTROOM DEPUTY: Thank you.

13                  Would you please state your name and also spell it for  
14 the record.

15                  THE WITNESS: My name is Andreas M. Antonopoulos.  
16 A-N-D-R-E-A-S, middle initial M, A-N-T-O-N-O-P-O-U-L-O-S.

17                  COURTROOM DEPUTY: Thank you.

18                  THE COURT: Before we proceed, Mr. Antonopoulos, let  
19 me advise that we are following CDC guidelines. So to the  
20 extent that you are fully vaccinated and you feel comfortable,  
21 you are permitted to take your mask off as you are testifying.

22                  We do have a disposable microphone cover that I would  
23 ask at the conclusion of your testimony that you just discard.

24                  THE WITNESS: Thank you, Your Honor.

25                  DIRECT EXAMINATION

1 BY MR. ROCHE:

2 Q. Good afternoon, Mr. Antonopoulos.

3 A. Good afternoon.

4 Q. Would you please state your name and where you live, where  
5 you reside for the record.

6 A. My name is Andreas M. Antonopoulos. Good afternoon. I'm a  
7 resident of Wyoming.

8 Q. Were you retained by Plaintiffs for this case?

9 A. That's correct.

10 Q. And are you charging for your services?

11 A. Yes, I am.

12 Q. At what rate do you charge for your services?

13 A. I charge \$500 per hour for my services. And a lower rate  
14 for my associates and administrators.

15 Q. And what is your field of expertise?

16 A. I'm an expert in Bitcoin and open blockchains.

17 Q. And how long have you been in the Bitcoin and open  
18 blockchain space?

19 A. Since the middle of 2012.

20 Q. And can you describe for the jury what you were asked to do  
21 in this case?

22 A. I was asked to explain the technology of Bitcoin, describe  
23 some of the historical events, the history of Bitcoin, and some  
24 of the component technologies, such as keys, addresses,  
25 transactions, blocks, the process of mining, and Bitcoin forks.

1 Q. And can you tell the jury what your educational background  
2 is?

3 A. I hold a degree in computer science from the University of  
4 London, specifically University College London. And I earned  
5 my master's degree in data communications, networks, and  
6 distributed systems, the technologies of the Internet,  
7 essentially.

8 Q. Do you do any teaching related to Bitcoin and blockchain?

9 A. Yes. Since 2014, I have been a teaching fellow at the  
10 University of Nicosia where I helped found and teach the open  
11 course for their master's degree in digital currency, which, as  
12 far as we know, is the first master's degree in digital  
13 currency in the world.

14 Q. And can you tell the jury if you do anything else for a  
15 living?

16 A. Yes. I focus most of my work on producing educational  
17 content, so teaching people about Bitcoin. I do that through  
18 books. I've written a book called "Mastering Bitcoin," which I  
19 wrote in 2014, the first and most quoted book in the industry  
20 that explains how Bitcoin works. It's a college-level  
21 textbook.

22 I've written a number of other books as well. I produce  
23 educational videos. I teach workshops and seminars. I speak  
24 at conferences and I provide expert testimony and consulting  
25 services.

1 Q. And have you provided any testimony on Bitcoin or  
2 cryptocurrencies before?

3 A. Yes. I testified in front of the Canadian Senate,  
4 specifically the banking and commerce committee of the Canadian  
5 Senate as an expert witness, and I've also testified in front  
6 of the Australian Senate to a similar senator committee.

7 Q. And do you serve on any boards or have any advisory roles?

8 A. Yes, I do. I'm a director and board member of the  
9 Cryptocurrency Certification Consortium. This is a  
10 professional accreditation and certification company. It's a  
11 non-profit out of Canada. And we help professionals prove that  
12 they know how to do this stuff with certifications like  
13 certified Bitcoin professional, certified security auditor, et  
14 cetera.

15 I also serve on the oversight committee of the Chicago  
16 Mercantile Exchange Bitcoin Reference Rate where we design the  
17 process and enforce the process by which the Chicago Mercantile  
18 Exchange produces the Bitcoin Reference Rates and Bitcoin  
19 Real-time Index price quotes that are published.

20 And I also work as an advisor and consultant on the  
21 advisory boards of a number of start-ups in our industry,  
22 helping them with Bitcoin strategy.

23 Q. You mentioned the Chicago Mercantile Exchange. Can you  
24 explain at a high level what the Chicago Mercantile Exchange  
25 is?

1 A. Sure. The Chicago Mercantile Exchange is one of the  
2 nation's oldest stock markets. They specialize in commodities.  
3 So probably because all of the rail services converge there.

4 So if you buy and sell oil, corn, pork, soybeans, stuff  
5 like that, that's all traded on the Chicago Mercantile Exchange  
6 and they're also responsible for publishing the prices of  
7 commodities that are used in contracts.

8 So they decided to start publishing a price for Bitcoin  
9 that could be relied upon by institutions and companies. So if  
10 they, for example, want to do a contract and say: "I'm going  
11 to buy Bitcoin at some time in the future," the two parties can  
12 agree and say: "Well, the price we will use is the price  
13 quoted by the Chicago Mercantile Exchange."

14 Q. And have you prepared any demonstratives to assist you with  
15 your testimony to the jury today?

16 A. I have. I have prepared a presentation sourced mostly from  
17 the kind of material that I use in workshops and seminars when  
18 I teach Bitcoin around the world.

19 MR. ROCHE: Dorian, can you please publish the  
20 presentation.

21 MR. RIVERO: Your Honor, we have an unaddressed  
22 objection about this demonstrative. We had raised it with the  
23 Court at the time that we discussed demonstratives and the  
24 Court deferred until the time that the demonstrative was to be  
25 used.

1 THE COURT: All right. Come sidebar. Bring the  
2 demonstrative so I may see it.

3 (At sidebar on the record.)

4 THE COURT: What's the objection?

5 MR. RIVERO: Under Rule 26, as the Court is aware,  
6 there's a requirement to disclose any exhibits that would be  
7 used to support -- summarize or support an expert's testimony.

8 So there was supposed to have been a review --

9 THE COURT: Is this listed as an exhibit?

10 MR. ROCHE: It is not an exhibit.

11 THE COURT: You're just using it for a demonstrative  
12 purpose?

13 MR. ROCHE: For Mr. Antonopoulos to talk the jury  
14 through the high-level technology.

15 THE COURT: Was this previously disclosed to the  
16 Defense?

17 MR. ROCHE: This was disclosed when the  
18 demonstrative -- can I finish, please?

19 It was disclosed when the demonstrative deadline was  
20 due. We changed around some of the order of some of the sites,  
21 some of the font, but it's in sum and substance the same  
22 exact --

23 THE COURT: All right. What's the --

24 MR. RIVERO: Judge, Rule 26 requires that any exhibits  
25 that are used to summarize or support an expert opinion be

1 disclosed at the time of the expert report, which would have  
2 been about 18 months ago.

3 COURT REPORTER: I can't hear you, Mr. Rivero.

4 THE COURT: We had already addressed this and you  
5 stated that I deferred. So what's the specific issue with  
6 this?

7 MR. RIVERO: You didn't rule on that specific  
8 question, which was under Rule 26, they would have had to  
9 disclose this 18 months ago.

10 THE COURT: But it's since been provided to you.

11 MR. RIVERO: On October 1st, yes.

12 THE COURT: All right. So what's the procedural  
13 prejudice?

14 MR. RIVERO: Well, Judge, the fact that we did not  
15 have time before that to -- for example, the deadline for  
16 exhibits was prior to that time, the deadline for expert  
17 disclosures was prior to that time.

18 There are many things we would have done had we known  
19 about this in the 16 months between the time the reports were  
20 due and the time this demonstrative was produced a month before  
21 trial.

22 THE COURT: You stated the Court deferred a month  
23 before trial. So you've had this for a month. So how would  
24 you have prepared differently for the trial?

25 MR. RIVERO: Judge, there's all kinds of things we

1 could have done.

2 THE COURT: Tell me -- show me something --

3 COURT REPORTER: Mr. Rivero?

4 MR. RIVERO: Yes.

5 COURT REPORTER: You're on top of --

6 THE COURT: You're on top of the --

7 MR. RIVERO: Oh.

8 THE COURT: All right. Well, show me the page.

9 MR. RIVERO: Yeah. Judge, I'll give you an example.

10 This was long after the close of discovery.

11 MR. ROCHE: What page?

12 MR. RIVERO: There's a chart, Judge, about prices --

13 THE COURT: Is it Page 19?

14 MR. RIVERO: Judge, let me see it.

15 MR. ROCHE: The pricing is on -- if it's the pricing,  
16 it's on Page 26 and on Page 23.

17 THE COURT: Okay.

18 MR. RIVERO: Is that the historical --

19 THE COURT: How would you have prepared differently?

20 COURT REPORTER: The papers are all on the --

21 THE COURT: Yeah. The papers are on the mic.

22 MR. RIVERO: May I have a moment? Because I need to  
23 find my glasses.

24 THE COURT: All right. So looking specifically at  
25 Page 26, what's the issue?

1                   MR. RIVERO: Judge, we didn't get a chance to take  
2 discovery on this. We didn't get a chance to depose him about  
3 this. We didn't get a chance to put an expert on this question  
4 of the prices of forks.

5                   There's substantial doubt. And, of course, it will be  
6 subject to examination. But these prices are volatile.  
7 There's no -- we had no opportunity to develop any evidence  
8 and -- can I please finish?

9                   MR. ROCHE: I haven't said anything.

10                  MR. RIVERO: So that's -- there's also --

11                  COURT REPORTER: I can't hear you, Mr. Rivero.

12                  MR. RIVERO: Oh, sorry.

13                  This is on Page 23, that I'm also referring to -- Your  
14 Honor, on Page 26 on historical prices of the forks, it's the  
15 same thing again, Judge. These prices are some kind of spot  
16 market valuation.

17                  THE COURT: Okay.

18                  MR. RIVERO: We didn't have a chance to develop this  
19 with our expert. We didn't have a chance to examine --

20                  THE COURT: Okay. But these are the pricings. So as  
21 soon as Mr. Roche establishes the pricing, this is testimony  
22 based on that.

23                  What's the response?

24                  MR. ROCHE: Your Honor, this is disclosed in the  
25 report on Page 19, Paragraph --

1 THE COURT: May I see it?

2 MR. ROCHE: Of course we didn't have the pricing, the  
3 current pricing --

4 THE COURT: Well, you wouldn't have pricing for  
5 October 30th, obviously.

6 MR. ROCHE: And we also expressly reserved our right  
7 to --

8 COURT REPORTER: I can't hear you. I can't hear you.

9 THE COURT: All right. Listen, we're going to spend a  
10 lot of time together. You have your mics. Just speak into  
11 your respective microphone. Here's mine. Here's yours.  
12 Here's yours.

13 All right. So the only issue is the October 30th and  
14 October 20th?

15 MR. ROCHE: It says: "I will be prepared to update  
16 these values" --

17 COURT REPORTER: I still can't hear you.

18 MR. ROCHE: -- "including but not limited to at the  
19 time of my testimony at trial." That's what we're doing. They  
20 deposed him on it. They had the pricing information. They had  
21 the fork information.

22 THE COURT: The objection is overruled. Lay the  
23 appropriate foundation. You'll have the opportunity to  
24 cross-examine. Let's continue.

25 (End of discussion at sidebar.)

1 BY MR. ROCHE:

2 Q. I think before we took a break there, you were --

3 MR. ROCHE: Oh, Dorian, can we publish the  
4 demonstrative?

5 COURTROOM DEPUTY: Counsel, is this only for the  
6 witness right now?

7 MR. ROCHE: Your Honor, can we publish the  
8 demonstrative?

9 THE COURT: We're using it for demonstrative purposes  
10 so why don't you establish its use with this witness.

11 MR. ROCHE: Sure.

12 BY MR. ROCHE:

13 Q. Mr. Antonopoulos, have you prepared any demonstratives to  
14 help assist you with your testimony explaining Bitcoin today?

15 A. Yes. I've used many of the materials that I use to teach  
16 Bitcoin and to explain the specific concepts and technologies  
17 that you asked me to explain.

18 MR. ROCHE: Dorian, if we can publish.

19 BY MR. ROCHE:

20 Q. Does this look like the demonstrative that you prepared to  
21 assist you with your testimony today?

22 A. Yes, it does.

23 MR. ROCHE: And, Your Honor, at this point, can we  
24 publish this to the jury, the demonstrative?

25 THE COURT: You may use it as a demonstrative aid to

1 explain the witness's testimony. So yes, if you want to place  
2 it on the screen for that purpose, you may certainly do so.

3 MR. ROCHE: Yes.

4 Can you guys see the demonstrative?

5 Thank you.

6 BY MR. ROCHE:

7 Q. Now, you were asked to provide a brief history of Bitcoin?

8 A. Yes.

9 MR. ROCHE: Dorian, if we could go to the next slide.

10 BY MR. ROCHE:

11 Q. Okay. What are we looking at on this page of your  
12 demonstrative?

13 A. Now, on the --

14 MR. RIVERO: Your Honor, we're not getting it on this  
15 screen. I'm not sure why.

16 THE COURT: Liz, can we make sure?

17 Yvette, can we turn on the screens in the gallery and  
18 also the counsels' screens?

19 COURTROOM DEPUTY: Gallery.

20 MR. RIVERO: It's being displayed there, Judge, and  
21 there, but it's not being displayed in front of us.

22 THE COURT: It should be displayed on their screens as  
23 well.

24 (Pause in proceedings.)

25 THE COURT: I see it on your screen. It's still not

1 on your screen, Mr. Rivero?

2 MR. RIVERO: No, Your Honor.

3 THE COURT: And, Mr. Freedman, is it on your screen?

4 MR. FREEDMAN: It is, Your Honor.

5 THE COURT: It is. So it's just that one screen. And  
6 is it displaying on the screen in front of Dr. Wright?

7 All right. We'll call IT and perhaps if you can just  
8 observe either the screen in the gallery or the one before  
9 Dr. Wright so we may continue.

10 MR. ROCHE: Thank you, Your Honor.

11 BY MR. ROCHE:

12 Q. Mr. Antonopoulos, can you please tell the jury what this  
13 demonstrative shows?

14 A. Yes. You're looking at, on the right-hand side, the front  
15 page or the top of something colloquially called the "Bitcoin  
16 Whitepaper."

17 It's an academic-style publication with title "Bitcoin, a  
18 peer-to-peer electronic cash system" with the byline Satoshi  
19 Nakamoto, and an email address, satoshin@gmx.com.

20 This paper appeared on October 31st, 2008 as a post on a  
21 mailing list called a cryptography mailing list, sent from an  
22 email address satoshi@vistomail.com.

23 Essentially, this is the public announcement of Bitcoin to  
24 the world. It's a nine-page paper, it describes what Bitcoin  
25 is and, in broad terms, how it will work and presents it to the

1 world.

2 Q. And what is the significance of the Bitcoin Whitepaper?

3 A. This is a very significant publication. It creates kind of  
4 a new era in digital money. It's a groundbreaking innovation  
5 that appears for the first time on this mailing list and it  
6 launches a new era for digital money.

7 Q. Had digital money existed prior to October 31st, 2008 when  
8 the whitepaper is published?

9 A. Yes, it had. In fact, I studied and was quite interested  
10 in digital money when I was at university in the early 1990s.

11 Digital money has been studied for more than 30 years now.  
12 And there had been many attempts to build digital money  
13 systems; however, the reason this is groundbreaking is because  
14 it is a significantly different approach to digital money.

15 All previous forms of digital money in order to solve a  
16 specific problem called the double-spend problem, were highly  
17 centralized. They had a central element to them. The  
18 groundbreaking innovation in Bitcoin is to enable digital money  
19 in a decentralized manner, meaning without a central point.

20 Q. And you mentioned -- so there's two things you said in that  
21 last answer: It mattered that it was decentralization and it  
22 mattered that it solved the double-spend problem.

23 Why did it matter that Bitcoin was decentralized?

24 A. Well, digital money obviously is different from traditional  
25 forms of money like paper money. And if you hold, let's say, a

1 \$20 bill, it's very expensive, very complicated, very difficult  
2 to create a copy of it.

3 And if you think about having a file on your computer, a  
4 picture or a document on your computer, it's not expensive;  
5 it's completely free to make a copy of it. It's not difficult;  
6 it's one click. And more importantly, the copy you will make  
7 is identical in every way to the original. It's  
8 indistinguishable. So a digital copy is cheap, easy, quick to  
9 make, indistinguishable from the original.

10 So if you have a \$20 bill, but it's a digital file, what  
11 stops you from simply making a perfect copy of it and then  
12 spending the copy and the original and probably making some  
13 more copies while you're at it.

14 So to solve that -- that would be called the double-spend  
15 problem. The idea that you could make a perfect digital copy  
16 and spend it twice. To solve this problem, previous forms of  
17 digital money relied on two things: First, that all of the  
18 money was issued through some central organization or  
19 institution so that someone controlled how the money was  
20 issued, when the money was issued, how much of the money was  
21 issued.

22 And then, secondly, the transactions, the spending of money  
23 would flow through that same central organization to make sure  
24 that what you were trying to spend is a real piece of money and  
25 not something you've made a copy of and trying to spend twice.

1       The groundbreaking innovation in Bitcoin is being able to  
2 do that without a central location to both issue money that is  
3 not copyable and also to control double-spending without having  
4 anything with a central position in the system that has to look  
5 at all of the transactions and control them; instead, that  
6 function happens through many computers participating together  
7 in a network.

8 Q. I think we'll talk about some of these concepts in a  
9 moment.

10      But just to simplify it for a second, if I had one Bitcoin,  
11 and I want to send that one Bitcoin to Vel, and then a day  
12 later I want to send that same one Bitcoin to Andrew, can I do  
13 that with Bitcoin?

14 A. No, you can't. It will prevent you from double-spending.

15 Q. Okay.

16           MR. ROCHE: Dorian, if we could go to the next slide,  
17 please.

18 BY MR. ROCHE:

19 Q. So -- all right. October 31st, 2008, the whitepaper was  
20 published.

21       When was the first -- when did Bitcoin actually get  
22 implemented for the first time?

23 A. So what you're seeing on your screen here is called the  
24 Genesis Block, which is the first block created, the first  
25 block of Bitcoin created. And you could think of a block as a

1 container of transactions and where Bitcoin first is born, and  
2 this is the first of those.

3 On the bottom of the screen, you'll see: "50BTC." That  
4 means 50 Bitcoin. So this is the first 50 Bitcoin that is  
5 created and enters into circulation.

6 Interestingly, in this block, there's a message embedded in  
7 the block and that message is part of the block's authenticated  
8 fingerprint, which means we know that that message was in that  
9 block. That's the only way it could be created. And that  
10 message says: "The Times, 3rd January 2009, Chancellor on  
11 brink of second bailout for banks."

12 The Times is a newspaper in England in the United Kingdom.  
13 It's the Times of London. The Chancellor is the equivalent of  
14 our treasury secretary in the US.

15 And this is a headline that appeared above the folds on the  
16 3rd of January on that newspaper. This headline essentially  
17 forms a proof that this block could not have existed, could not  
18 have been created before that date, because you wouldn't know  
19 what the headline is, like holding up a newspaper in front of a  
20 video camera. It's a simple concept.

21 And what this tells us is that this block was created on  
22 the 3rd of January or shortly after the 3rd of January, 2009.

23 MR. ROCHE: Dorian, if we could go to the next slide,  
24 please.

1 BY MR. ROCHE:

2 Q. Okay. So October 31st, whitepaper; January 3rd, the first  
3 Bitcoin come into existence.

4 When's the first time somebody sends Bitcoin to somebody  
5 else?

6 A. So the first time someone sends Bitcoin is a transaction  
7 that -- from a publication by cryptographer Hal Finney, we know  
8 was sent to Hal Finney. This was 10 Bitcoin that originated  
9 from Satoshi, the creator or creators of Bitcoin, using the  
10 alias "Satoshi." And that 10 Bitcoin was embedded in Block 170  
11 that you see here.

12 Q. Okay. And so we discussed Satoshi Nakamoto, the alias.  
13 Did he make any posts after October 31st, 2008?

14 A. Yes. So using both the email addresses that appeared in  
15 the cryptography mailing lists and other online Internet forum  
16 aliases, Satoshi posted quite prolifically explaining Bitcoin,  
17 answering questions. A lot of people were like: "What is  
18 this? How does it work? You know, the normal questions you  
19 would get when you announce something that is an important new  
20 technology.

21 And Satoshi was involved in the development, involved in  
22 the conversation and, of course, answering those questions.

23 MR. ROCHE: Dorian, if we could go to the next slide.

24 BY MR. ROCHE:

25 Q. Did there ever come a time when Satoshi Nakamoto stopped

1 posting?

2 A. Yes. On December 12th, 2010, the last public post by  
3 Satoshi on the known aliases that had been used until that time  
4 was made.

5 MR. ROCHE: Dorian, can we go to the next slide.

6 BY MR. ROCHE:

7 Q. We covered a brief history of the beginning of Bitcoin.  
8 Did you prepare any demonstratives to help explain to the jury  
9 how Bitcoin can be used as a currency?

10 A. Yes, I did.

11 MR. ROCHE: Dorian, could we go to the next slide.

12 BY MR. ROCHE:

13 Q. So I see on this slide three circles. I want to start with  
14 the first two on the left. They both say: "Bitcoin," but one  
15 is upper case.

16 Can you explain the difference?

17 A. Yeah. You will hear the word "Bitcoin" many times. And we  
18 use the word "Bitcoin" to actually refer to a few different  
19 things. So I'm trying to help clarify that a bit here.

20 The first use of Bitcoin refers to the currency and that's  
21 the orange circle in the middle where I've written "Bitcoin"  
22 with a lower b, a small b, and just like if I was saying:  
23 "I'll give you \$20," I would write the d in dollars with a  
24 small d. If I say: "I'll give you one Bitcoin," I'll write it  
25 with a small b. So that's the unit of currency; that's the

1 piece of money. And whenever we're referring to the currency,  
2 by convention, we tend to use a lowercase b just to keep things  
3 consistent.

4 Bitcoin, on the other hand, of course, also means the  
5 system as a whole, the collections of -- the collection of  
6 technologies that make this system possible. So that is a  
7 proper noun so we would capitalize that. That's the name of  
8 the system.

9 Capital B, Bitcoin, on the left, in blue, is the name of  
10 the system. That includes the Bitcoin network, the Bitcoin  
11 protocol, which is how the computers communicate, the language  
12 they use.

13 The Bitcoin consensus rules, the Bitcoin blockchain, all of  
14 these are components of the technology that make up the Bitcoin  
15 system.

16 Q. I think at the end there you said: "Blockchain," which I  
17 see is also the third circle.

18 What is the blockchain?

19 A. So you have also maybe heard the word "blockchain." It's  
20 become a very popular word in technology over the past 12  
21 years. It's a word that was effectively coined by Bitcoin.

22 And a blockchain is a public ledger of accounts. So just  
23 like if you had a shop and you're doing accounting for the  
24 transactions that are happening in your shop or you have a bank  
25 account and you're looking at a statement, money in/money out,

1 a blockchain is a ledger like that. And it keeps track of all  
2 of the transactions that have been recorded on the Bitcoin  
3 system.

4 And essentially this is stored as a computer database.  
5 It's stored on a computer as a database. Importantly, it's not  
6 one database. This is the major innovation of Bitcoin.

7 There are tens of thousands of copies of this. And they  
8 sit on computers all around the world. My computer at home has  
9 a copy of the Bitcoin blockchain. And they're all kept  
10 synchronized through the Bitcoin system.

11 Q. So does the blockchain work as a ledger of all the  
12 transactions that happen in Bitcoin?

13 A. Yes. And importantly, it's a public ledger. I can -- like  
14 the previous slides I showed where I showed you the transaction  
15 paying Hal Finney in Block 170, we can just -- that's actually  
16 from my own copy of the blockchain from my own computer at home  
17 presented as a web page.

18 We can ask the Bitcoin software to give us a specific  
19 block, a specific transaction. And it can show that out of the  
20 blockchain database. So all transactions that are recorded in  
21 Bitcoin are recorded in this blockchain. And many of us have a  
22 copy of it that we run on our own computers.

23 Q. Did you prepare any demonstratives to help explain how  
24 somebody can spend their Bitcoin?

25 A. Yes, I did.

1 MR. ROCHE: Dorian, could we go to the next slide.

2 BY MR. ROCHE:

3 Q. So I've got a Bitcoin. I want to spend it. How do I do  
4 it?

5 A. Well, this is where things get a bit more complicated. The  
6 word cryptocurrency that we use to refer to Bitcoin, the  
7 digital money, means the currency that uses cryptography as the  
8 basis of its security, meaning that it's secured by this branch  
9 of mathematics -- applied mathematics called cryptography.

10 And this is math that involves very big numbers and some  
11 clever functions that ensure that you can spend your Bitcoin  
12 and no one else can. That's the basic idea.

13 But to break it down and make it a bit more approachable, I  
14 often use an analogy. And the analogy is to think of a series  
15 of lockboxes just like storage lockers that you might see in a  
16 train station and a public space.

17 So imagine a wall of lockboxes and they look kind of like  
18 you see on this slide. And each one of them has a PIN keypad.  
19 So if you set a PIN number on one of these lockboxes, once  
20 you've set it, now only you can open it with a PIN number  
21 because only you have that PIN number. So that PIN number, the  
22 corresponding concept in Bitcoin is called a private key, and  
23 it's a number. It's a very long PIN number.

24 At the same time, these lockboxes have a little slot, if  
25 you can imagine, at the top. So someone can walk up to a

1 lockbox in this bank of boxes in a train station and put money  
2 through the slot. Once that money's in the box, they can't get  
3 it out anymore because they don't necessarily have the PIN and  
4 you can, so that gives you access to that money.

5 And then the third concept is: Well, how do you know which  
6 box belongs to the person you want to send the money? If I  
7 wanted you to put money into my lockbox, how would I tell you?  
8 And on the front there, you may see, it's a bit dark, has a  
9 number 2 etched on the box. That's a Bitcoin address. So the  
10 concept of a Bitcoin address is a public identifier. It's,  
11 again, a number that identifies which lockbox you want to  
12 receive money.

13 So I can give that to someone, I would give that -- or  
14 perhaps Vel would give it to you, Kyle. Once you have Vel's  
15 Bitcoin address, you can then essentially deposit money into  
16 the lockbox identified by that Bitcoin address. And  
17 presumably, Vel has the PIN number and can unlock it and access  
18 that money.

19 Q. So if Vel gives me his Bitcoin address, though, can I go up  
20 and unlock the lockbox?

21 A. No. Because to open it, you need the PIN number. So all  
22 it allows you to do is identify the correct lockbox to deposit  
23 money into.

24 Q. Okay.

25 MR. ROCHE: Dorian, could we go to the next slide,

1 please.

2 BY MR. ROCHE:

3 Q. So we've talked about the Bitcoin address, which is the  
4 number on the lockbox. We've talked about the private key,  
5 which is the PIN.

6 In Bitcoin, is there a relationship between the private key  
7 and the Bitcoin address?

8 A. Yes. So that's where the analogy of the lockboxes does  
9 break down a tiny bit because these are not real boxes and so  
10 there isn't a sequence of them or a specific number identifying  
11 them. Instead, the number is derived or produced from the  
12 private key. So when you set the PIN, when your computer, your  
13 Bitcoin wallet, sets the PIN, the private key, it then also  
14 generates a Bitcoin address, a number that identifies how to  
15 send you money from that private key.

16 Now at this point, you're thinking: "Well, if you can go  
17 from the private key to the address, that doesn't sound very  
18 secure. Why can't you go the other way?" And this is where  
19 the fancy math functions come in that say: "This only works  
20 one way."

21 So there's a function there called a one-way function where  
22 you can put the private key in and get a Bitcoin address, but  
23 then you can't go the opposite way. So now I can give my  
24 Bitcoin address to someone. They can't work backwards to  
25 figure out what my PIN is, and, therefore, I'm secure.

1 Q. So -- okay. If I can't reverse engineer it, could I just  
2 walk up to Vel's lockbox and guess the private key a bunch of  
3 times? Is it possible to guess somebody's private key?

4 A. In theory, it is. The guessing process we'd call brute  
5 force. And the problem, however, is that these PINs are so  
6 long that in every practical sense it is impossible. So we say  
7 practically impossible in order to describe a situation where  
8 you could walk up and start typing PIN numbers. And given  
9 almost infinite amounts of time and patience and almost  
10 infinite number of attempts, you might guess it, but in every  
11 practical sense, you don't have that kind of time.

12 Q. Okay. So have you prepared any demonstratives to help  
13 explain -- let me ask one -- before we go there, how many  
14 digits long is a private key?

15 A. A private key, if you were to write it using a normal  
16 keypad, zero through nine numbers, would have 77 digits. So if  
17 you think of your bank card having four and you can just try  
18 all possible combinations, that's still 10,000 combinations.

19 This has 77 digits. And I would like to say that's this  
20 many combinations, but we don't actually have a word for a  
21 number like that because it never comes up in any of our  
22 physical experience. There is nothing in nature that we can  
23 quite describe with a number like that. So we don't have words  
24 for numbers that big.

25 Q. Okay. Well, let's -- did you prepare any demonstratives to

1 help us try to describe how big that number is?

2 A. Sure.

3 Q. Okay. I'm looking at, it looks like, a desert with a bunch  
4 of sand.

5 Can you explain what this demonstrative is showing?

6 A. Yeah. In order to really start approaching these numbers,  
7 we have to start talking about very small things that exist in  
8 very large quantities. And so let's start with a grain of  
9 sand.

10 A single grain of sand, pretty small thing. And then let's  
11 take a large quantity of this. The Sahara desert. How many  
12 grains of sand are there in the Sahara desert. Literally  
13 mountains of sand hundreds of feet high, for tens of thousands  
14 of acres of sand. That number isn't close to 77 digits. In  
15 fact, if you took all of the sand that exists on every desert,  
16 on every beach, on the ocean floor, every grain of sand on this  
17 planet, and you wrote that down as a number, it is estimated to  
18 be a 23-digit number.

19 And so we're not even close to describing -- even just --  
20 pick any grain of sand from all of the beaches and all of the  
21 sand that exists on this planet, we're still not close to  
22 describing this number.

23 Q. Okay. So -- well, have you prepared a demonstrative to try  
24 to help us get close to 77 digits?

25 A. Yes, I have.

1 MR. ROCHE: Dorian, could we go to the next slide.

2 BY MR. ROCHE:

3 Q. Okay. What is this slide showing?

4 A. Well, this is a picture of the observable universe from the  
5 Hubble Telescope. It's not the whole of it, it's just a small  
6 fraction of the sky.

7 But in order to explain this number, we have to go to even  
8 smaller things that exist in even larger quantities. So  
9 instead of a grain of sand, let's talk about atoms. The  
10 smallest constituent of matter in classical physics. I'm made  
11 of atoms. You're made of atoms. Everything's made of atoms,  
12 including the grain of sand.

13 Now, let's talk about how many atoms exist everywhere. Not  
14 just this planet, every planet in our solar system, hundred  
15 billion stars in the Milky Way galaxy, a hundred billion  
16 galaxies in the universe, the entire universe that we can  
17 observe. And that number has actually been calculated.

18 It's called the Eddington number because a cosmologist  
19 named Eddington calculated that number. That number is 79  
20 digits long. That is the number of atoms. Everything that's  
21 made up of matter in the entire observable universe is 79  
22 digits long and a Bitcoin private key is 77 digits long.

23 We don't have a name for that number, other than the name  
24 of its inventor or discoverer, but that's as close as we can  
25 get to understanding the concept.

1 Q. So are you telling the jury it's practically impossible to  
2 guess somebody's private key?

3 A. In cryptography, we use a more precise term, which is  
4 "infeasible" to describe something like this. And when we say:  
5 "Guess," I want to be clear here. We're not talking simply  
6 about me as a person walking up and making my finger sore while  
7 I type in PIN numbers. We're talking about using computers to  
8 do the guessing. In fact, we're talking about using all of the  
9 computers that exist in the world and they can't even count  
10 this many numbers. So this is an absolutely infeasible task.

11 Q. Thank you.

12 MR. ROCHE: Dorian, if we could go to the next slide,  
13 please.

14 BY MR. ROCHE:

15 Q. Okay. So I have a private key, some Bitcoin. How do I  
16 send Bitcoin to somebody else?

17 A. So what you're seeing on your screen is simplification of a  
18 Bitcoin transaction. And I described in physical terms what  
19 lockboxes might look -- to give us an idea of how this might  
20 work.

21 In this example, we have Alice and Alice is buying  
22 something from Bob, let's say a flat-screen TV, and wants to  
23 pay Bob with Bitcoin. Alice knows Bob's Bitcoin address and  
24 Alice already has some Bitcoin that's controlled by her chosen  
25 private key. It's in her lockbox.

1           In the physical world, she would type in the PIN, open the  
2 lockbox, take the money out, walk over to the lockbox  
3 identified by Bob, put the money in. In Bitcoin, this looks  
4 like a transaction that has two parts. The left part we call  
5 "inputs." And this is a list of places where the money is  
6 coming from. This is unlocking lockboxes that you're going to  
7 use to spend in this transaction.

8           And on the right-hand side, we have "outputs." And  
9 these are effectively Bitcoin addresses where the money is  
10 going. So a Bitcoin transaction says: "It comes from here.  
11 It goes there."

12           And in essence, on the left side, the inputs require  
13 Alice to prove her knowledge of the private key in order for  
14 this transaction to work. And on the right side, all she needs  
15 is to know Bob's Bitcoin address.

16 Q. Okay.

17           MR. ROCHE: Dorian, can we go to the next slide,  
18 please.

19 BY MR. ROCHE:

20 Q. So what if instead of sending and performing a transaction,  
21 I just gave Bob my -- Bob or Vel or you, my private key.

22           What's the difference between doing a transaction and just  
23 giving somebody my private key?

24 A. Well, you could. If you give me your private key, I can  
25 then essentially walk up to the lockbox and type it in and get

1 its contents. But you can also still do that because you also  
2 still know the private key. We both can at any time. And  
3 there's no really -- there's no way, really, to tell who spent  
4 from that lockbox, if it's open and the money's gone.

5 Essentially, we have shared ownership. So that's different  
6 from a transaction in one critical way. When Alice constructs  
7 a transaction to Bob, she achieves two things: The first is  
8 she makes the money available to Bob, yes. But the other thing  
9 is, that transaction also makes it unavailable to Alice. It's  
10 already spent from Alice's lockbox. So it gives it to Bob, but  
11 it also takes it away from Alice; whereas, sharing a private  
12 key potentially gives it to Bob, but never takes away that  
13 access from Alice. They both have it as shared control.

14 Q. Okay.

15 MR. ROCHE: Dorian, can we go to the next slide,  
16 please.

17 BY MR. ROCHE:

18 Q. So -- okay. So we've talked about how Alice and Bob have  
19 sent their Bitcoin back and forth, spend their Bitcoin.

20 But how did Satoshi Nakamoto get the very first Bitcoin?

21 A. So the very first Bitcoin was created, as you saw in Block  
22 0 and the Genesis Block 50 Bitcoin. And all new Bitcoin  
23 originates like that in a new block.

24 So every time a new block is recorded on the blockchain, it  
25 contains brand-new Bitcoin. If you were to follow transactions

1 backwards, you would eventually land at the creation of  
2 brand-new Bitcoin that's being introduced into the economy  
3 through a new block, and this process of creating and recording  
4 blocks on the blockchain is called "mining."

5 Q. Okay. And how many Bitcoin did Satoshi Nakamoto get when  
6 he mined the first block?

7 A. 50 Bitcoin.

8 Q. Okay.

9 MR. ROCHE: And Dorian, if we could go to the next  
10 slide.

11 BY MR. ROCHE

12 Q. Does every block have 50 new Bitcoin in it?

13 A. No. The amount of Bitcoin that is created in a new block  
14 diminishes over time. So what we see here is essentially the  
15 process of issuing Bitcoin happens in these eras, these time  
16 periods that last approximately four years. Specifically, they  
17 last 210,000 blocks. Each block is about 10 minutes. 210,000  
18 blocks is approximately four years on average.

19 2009, first block comes out with 50 Bitcoin. The second  
20 block, 50 Bitcoin. The third block, 50 Bitcoin. The first  
21 210,000 blocks, 50 Bitcoin each. And then something happens,  
22 which we call the halving or halving. I can never pronounce  
23 that word comfortably. It's cut in half. And this happens  
24 because all of the participating computers in the network count  
25 blocks. They see the 210,000 blocks have elapsed, and then

1 they say: "Well, that era is over. The next block, 210,001,  
2 should not contain 50. It should contain no more than 25." So  
3 it cuts the amount by half.

4 And that's exactly what happened in 2012 with the first  
5 halving. And then 210,000 blocks after that it happened again  
6 in 2016. And we went from 25 to 12 and a half Bitcoin entering  
7 the third era. That continued until recently. July of 2021,  
8 we had our third halving and into the fourth era.

9 And today, if you look at a block that's coming out right  
10 now since I've been sitting here, it will contain six and a  
11 quarter Bitcoin in it. This process doesn't stop. It will  
12 continue with halvings regularly over time.

13 MR. ROCHE: Your Honor, when I looked at the clock  
14 earlier, the shadow cut me off. We're getting into the part of  
15 examination that I think is going to have a lot of interrelated  
16 parts.

17 THE COURT: Is this a good time to stop, Mr. Roche?

18 MR. ROCHE: Yes. Exactly.

19 THE COURT: All right. Certainly.

20 Ladies and Gentlemen, this may be a good time for us  
21 to recess for the evening.

22 Let me advise that as we recess and you go about your  
23 private affairs, let me remind you: You're not to discuss this  
24 case with anyone. You're not to permit anyone to discuss this  
25 case with you. You're not to conduct any independent research.

1       Everything learned about the case is learned within this  
2       courtroom.

3               I know that some of you have taken some notes. I  
4       would ask that you just take your juror notebook, place it on  
5       the table and the court security officer will make sure that  
6       the area is secure and locked.

7               Now, tomorrow morning, as I stated, we are going to  
8       accommodate -- I know that some of you have some matters in the  
9       morning, so we will begin precisely at 10:00 tomorrow morning.

10              I would ask that you be here by between -- 9:45, ready  
11       to come into the courtroom at 10:00. And Liz Gariazzo, the  
12       courtroom deputy, has shown you to come in through the  
13       vestibule. The door will be open for you. As you come in  
14       through the vestibule, you can certainly just lounge or you can  
15       wait until everyone is seated in the jury room and we'll bring  
16       you in together.

17              Please remember that we cannot get started unless all  
18       ten of you are here, so please be prompt. I believe we've  
19       taken down some information and we will also give you a direct  
20       number in the event there is an eventual delay, but please make  
21       arrangements so that we can get started tomorrow.

22              Have a pleasant evening and I'll see you tomorrow at  
23       10:00.

24              (Jury not present, 4:52.)

25              THE COURT: All right. Go ahead and have a seat.

1 Recall that one of the jurors does have an issue with  
2 Wednesday. I will ask the courtroom deputy to just ask for the  
3 specifics as to when we need to recess for the day on  
4 Wednesday.

5 Are there any issues that we need to address at this  
6 time on behalf of the Plaintiffs?

7 MR. FREEDMAN: No, Your Honor.

8 THE COURT: On behalf of the Defendant?

9 MR. RIVERO: No, Your Honor.

10 THE COURT: All right. And once again, let me remind  
11 you that your items can be placed in the conference room. They  
12 will be secured. And I would ask that you just move your items  
13 so that we can use the tables tomorrow morning.

14 The courtroom will be open. It will be open for use  
15 before 9:00 a.m., but we'll be ready to go at 10:00 a.m.

16 And if there's nothing further, let me ask the  
17 attorneys: Is there any objection to the Court providing the  
18 written trial schedule to the jurors, since we do have some  
19 different time periods where we will be concluding and then  
20 there will be a couple days where we won't be in session  
21 because of the Court holiday?

22 MR. FREEDMAN: No, Your Honor.

23 MR. RIVERO: None from us, Judge.

24 I do have just a logistical question. How much time  
25 do we have to clear out before the courtroom gets locked?

1                   THE COURT: Oh, for tonight? Take the time that you  
2 need. We'll be here. So don't feel that you need to rush.  
3 The court security officer will be here until you have  
4 finished.

5                   MR. RIVERO: Thanks, Your Honor.

6                   THE COURT: Okay. All right.

7                   Have a pleasant evening. I'll see you tomorrow  
8 morning.

9                   Mr. Antonopoulos, you are still on the stand and you  
10 are free to go. Let me advise you, sir, that you are not to  
11 discuss your anticipated testimony. Since you are an expert,  
12 you may certainly consult with the attorneys, but other than  
13 consulting with the attorneys, you are still on the witness  
14 stand and you are not to discuss your testimony with any  
15 individual.

16                  Is that understood?

17                  THE WITNESS: Yes, Your Honor.

18                  THE COURT: We'll see you tomorrow morning at  
19 10:00 a.m.

20                  And you are free to go, sir.

21                  (Proceedings adjourned at 4:54 p.m.)

1 UNITED STATES OF AMERICA )  
2 ss:  
3 SOUTHERN DISTRICT OF FLORIDA )

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in  
6 and for the United States District Court for the Southern  
7 District of Florida, do hereby certify that I was present at  
8 and reported in machine shorthand the proceedings had the 1st  
9 day of November, 2021, in the above-mentioned court; and that  
10 the foregoing transcript is a true, correct, and complete  
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages  
13 1 - 273.

14 IN WITNESS WHEREOF, I have hereunto set my hand at  
15 Miami, Florida this 10th day of November, 2021.

16  
17 /s/Yvette Hernandez  
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**COURT REPORTER:**

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**COURT SECURITY****OFFICER: [7]**

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**COURTROOM DEPUTY:**

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**MR. BRENNER: [286]****MR. FERNANDEZ: [1]**

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**MR. FREEDMAN: [10]**

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**MR. MESTRE: [1]**

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**MR. RIVERO: [256]**

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**MR. RIVERO: . . .**  
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